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Final Report

**A Qualitative Assessment of the Role of Shippers
and Others in Driver Compliance with
Federal Safety Regulations**

December 1997

FHWA-MC-98-049

A Qualitative Assessment of the Role of Shippers and Others in Driver Compliance with Federal Safety Regulations

Final Report

Submitted to:

**The U.S. Department of Transportation
Federal Highway Administration
Office of Motor Carriers**

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| 16. Abstract This research report assesses the results of a Congressionally-directed study of the extent to which shippers and others involved in interstate trucking commerce impose delivery demands on motor carriers that may result in commercial driver violations of Federal safety regulations, including the hours-of-service (HOS) rules. Drivers and commercial motor carriers have alleged that they are forced to violate HOS regulations by shippers who impose unrealistic delivery schedules. A series of focus group sessions was conducted with separate groups of shippers, carriers/brokers, independent and carrier-employed drivers, dispatchers and others. The key findings, based on perceptions of focus group participants, indicate that: 1) no one party is totally responsible for and can be held accountable for setting the schedule; and 2) a lack of communication and knowledge about the shipping process among the players contributes to the problem of driver violations. Participants noted other factors that may be contributing to the commercial operators' exceeding the Federal HOS rules: the sheer economic necessity of accepting loads with unreasonable schedules in a deregulated environment, increased reliance upon just-in-time delivery and zero-inventory, and unavoidable scheduling delays. | | | | | |
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Executive Summary

Purpose

The purpose of this exploratory research is to identify and evaluate, through focus group sessions with trucking industry participants, those factors in the freight shipping process which appear to be related to driver hours-of-service (HOS) violations.

Background

There is widespread perception among various trucking industry representatives and observers that commercial motor vehicle operators are frequently forced to violate the HOS regulations because of the tightness of their schedules. Drivers participating in focus groups conducted prior to the 1995 Federal Highway Administration's (FHWA) National Bus and Truck Safety Summit expressed this belief. This concern was also identified as one of the top 10 safety issues by Summit participants. In addition, the National Transportation Safety Board raised this issue in its 1995 study on fatigue in heavy truck accidents, recommending that the FHWA "complete rulemaking within 2 years to amend 49 CFR Part 392 and 395 to prohibit employers, shippers, receivers, brokers or drivers from accepting and scheduling a shipment which would require that the driver exceed the regulations in order to meet the delivery deadline."

The Congress has also recommended action on this subject. The Senate Committee Report (SR103-310) accompanying the 1995 Department of Transportation (DOT) Appropriations Act stated, "the Committee requests FHWA to continue with its plans to study the pressure that some shippers and receivers exert in promoting noncompliance with regulations by motor carriers." The Congress stated this more succinctly in the Senate Report (SR104-126) on the 1996 DOT Appropriations Act, directing the Office of Motor Carriers (OMC) "to conduct a research project to determine the scope, nature, and extent of shipper involvement in noncompliance with the safety regulations." In accordance with Congressional intent, the OMC conducted this focus group study to explore the scope of the problem, identify factors that appear to result in drivers' violation of HOS rules and suggest options to the OMC and the Congress for action or further study.

Methodology

In approaching the design of a study of "shipper involvement," the FHWA examined the potential of applying both quantitative and qualitative analysis in assessing the issue. The FHWA was interested in determining the scope of the problem, which anecdotal information to date has implied was extensive but could not be documented from any analytical source. Therefore, the FHWA chose to conduct a series of focus groups with representatives of the shipping community and motor carrier industry. It was determined that this cost-effective and efficient approach would provide the basis for future evaluation of the issue with the motor carrier industry and the Congress.

Results/Discussion

The qualitative approach, which focused on participant perceptions and experiences, provided the FHWA with considerable feedback about the extent of the problem for participants in motor carrier cargo movements. It also provided a point from which to consider further analysis of the issue.

The information presented in this report—the facts as focus group participants saw them—reflects complex issues faced by drivers, dispatchers, carrier/brokers and shippers. No clear-cut answers or solutions emerged from the discussions. The same topic elicited varying positions and responses from different groups. Opposite viewpoints were expressed both within and among groups on the same issue. The participant responses revealed no single point where intervention would address all the problems discussed.

Key Findings

1) What party (or parties) is responsible for exerting pressure on drivers to violate safety regulations governing HOS?

Feedback from the focus groups revealed that, while multiple parties are involved, no single player in the shipping process can be held solely accountable for unreasonable scheduling and commercial driver violations of the current HOS rules. All contribute to the problem, and all have a role to play in its resolution. Shippers want their commodities moved on time. Terminal operators want cargo exchanged/arranged in certain ways and may demand driver involvement to achieve what they want. Dispatchers want to satisfy the needs of the motor carrier, while the motor carrier sales force is focussed on customer needs. Some jurisdictions impose restrictions on the hours that truckers may access their shipping and receiving locations. While these needs should be complementary and help achieve the safe and timely delivery of products, they often complicate the activities of the driver. Ultimately, it is the driver and motor carrier who are held responsible for any delay. Focus group participants stated that the driver often has very little say in the scheduling process, even though he/she is the key component in making the delivery.

In separate sessions, focus group participants offered their own individual perceptions about the issue. These perceptions were sometimes contradictory and apparently reflected a lack of communication and knowledge across the industry. In large part, this lack of knowledge of, and sensitivity to the needs, responsibilities and constraints of one another appears to contribute to the problem of driver violations.

Many focus group participants stated the belief that shipper and motor carrier sales personnel are unaware of, or do not care about, the pressures they impose on drivers. Sales personnel were said to make promises to customers before checking with the operations department. Consequently, unrealistic deadlines may be imposed in some instances because those individuals setting them

participants noted that to keep a customer's business, carriers, brokers and dispatchers often accept jobs with unreasonable schedules. Consequently, drivers, who must fulfill the promises, believe they must choose between completing the job as a company directs, or satisfying the HOS regulations.

3) What factors influence the ability to adhere to the original schedule?

A delivery deadline that is initially reasonable may become unrealistic as a result of several factors. Participants across all groups stated that delays can occur all along the route. Delays can be caused by road construction, accidents, bad weather conditions, roadside inspections, vehicle breakdowns, waiting for the product or proper equipment; forced waits to load/unload goods at appointments along the way, unexpected needs for the driver to load or unload freight, repalletizing (repacking) the load; type of freight, and other circumstances. Although some of these (such as bad weather) can sometimes be predicted, schedules seldom take them into account. Why? Because the consignee's need to receive goods at a stated time is the primary concern. Pressure to meet a schedule is present regardless of delays. The problem is not that delays occur, but that the original deadlines are often not changed as needed. Carriers appear afraid to tell shippers of delays en route, although shippers say that they would prefer knowing about delays.

Participants stated that if there are delays in loading or in making intermediate stops (both frequent occurrences), drivers are under pressure to make up the time so that the original delivery schedule can still be met. As a result, according to participants, some drivers respond by exceeding speed limits or driving more hours than regulations permit to make up for lost time.

4) What roles do pickup and delivery requirements (e.g., appointments, loading/unloading demands) play in driver violations?

A major determinant of the time needed to transport goods is the time consumed in accessing a terminal and getting cargo loaded or unloaded. The need for the driver to load his/her own vehicle can often impede timely completion of a run and force the driver into excess hours in order to make delivery. Similarly, delays in accessing the unloading point can result in drivers having to make up for lost time by exceeding their on-duty hours.

Many participants noted that drivers are being inappropriately used to load and unload freight. Although union contracts offer protection from loading/unloading abuses, some union policies may also cause delays in the shipping process when a driver is not a union member. Lumpers, individuals hired by shippers, receivers or drivers, are often used to load/unload freight. Drivers may be pressured to use their services. However, drivers are still responsible for their freight and may be unable to rest because they must watch while lumpers remove or load cargo.

well as relatively low pay, causes them to accept jobs with tight, unrealistic schedules. They are also perceived to lack the knowledge required to understand their fatigue threshold and to accurately calculate how long they can drive before needing rest. Thus, they are vulnerable to overextending themselves, their hours of service, and committing violations of safety regulations. Finally, these drivers were also characterized by participants as being inadequately trained, particularly if all their training was received through a truck driving school.

Several groups noted that the advent of the commercial driver's license reduced the number of drivers available, consequently putting more pressure on those qualified, safe operators who remain.

JIT delivery, which is becoming increasingly common in the industry, allows little margin for error. When orders are placed at the last minute, all parties involved in the process can be forced to meet tight delivery schedules, and then every point in the schedule can become a crisis.

Economic realities (e.g., the competition for business) create dilemmas for all parties involved in shipping freight—for a driver who knows he is out of hours and needs the money to make a living; for a carrier and dispatcher who know that another carrier could take the job; for the shipper who knows that a receiver can easily take his business elsewhere; and a receiver who is faced with shutting down the assembly line for lack of inventory. As a result, participants said that operating standards are sometimes compromised.

A participant suggested that the notion of motor carrier pricing of services, based on the schedule demanded and advance notice provided, needs further exploration. Some carriers (e.g., Federal Express) have incorporated this procedure into their business. Yet, responses from focus group participants would indicate that most firms are not imposing, or may not believe they can impose, higher prices for faster, ad hoc deliveries. A broader use of this practice might enable carriers to pay for team driving or other more acceptable alternatives for delivery of high-priority freight. Although driver compensation is sometimes perceived as a causal factor in HOS violations, it was not a subject of this research project.

Recommendations/Future Directions

Industry Initiatives:

1. Better communication is needed among shippers, receivers, dispatchers, carrier/brokers and drivers so that the concerns of all parties can be taken into consideration when setting schedules for pickup and deliveries.
2. Standard scheduling guidelines should be recommended so that members of the industry can follow the same formula for setting schedules. Information on factors affecting schedules needs to be passed on whenever possible.

Government Initiatives:

Pending completion and final approval of this study, we anticipate that the FHWA will be considering recommendations such as the following:

1. Explore with the Congress expanding Federal oversight of interstate shippers, receivers and others who ship freight by motor carrier.
2. Assess the need for any changes to the current treatment of driver on-duty, not driving time, pending the outcome of active studies on driver loading/unloading requirements and scheduling practices.
3. Convene a conference or symposium with representatives of the various parties involved in the shipping process to identify and assess potentially effective corrective actions that can reduce the level of driver HOS violations brought about by improper scheduling.
4. Participate in and facilitate development of training courses and outreach materials which:
 - a) offer information about the HOS rules that could be provided to shipping organizations; and
 - b) provide awareness and understanding of fatigue and its effects on truck driver performance to shippers, carriers, and receivers.

CHAPTER 1: INTRODUCTION

1.1 Purpose

This qualitative study is a result of Congressional mandates. The Senate Committee Report (SR103-310) accompanying the 1995 DOT Appropriations Act stated, "the Committee requests FHWA to continue with its plans to study the pressure that some shippers and receivers exert in promoting noncompliance with regulations by motor carriers." The Congress stated this more clearly in the Senate Report (SR104-126) on the 1996 DOT Appropriations Act, directing the OMC "to conduct a research project to determine the scope, nature, and extent of shipper involvement in noncompliance with the safety regulations." Accordingly, the FHWA engaged the Calspan Corporation and Global Exchange, Inc. (GEI) to undertake the coordination, scheduling, conduct and assessment of qualitative research (e.g., focus group sessions) of commercial motor vehicle operators, shippers, dispatchers, receivers and significant others involved in interstate, truck-related commerce. To be determined was the extent to which shipper, dispatcher, freight forwarder and receiver demands (hereafter referred to inclusively as "shipper demands") for the timely delivery of products results in operator violation of Federal motor carrier safety regulations governing commercial driver HOS.

1.2 About this Focus Group Study

The data presented in this report reflect complex issues faced by drivers, dispatchers, carrier/brokers and shippers. The way the shipping industry operates has changed within the last twenty years, participants said. All participants concurred that those most intimately involved in shipping freight do not necessarily have the time, nor do they know how to deal with the challenges they face. Drivers, dispatchers, carrier/brokers and shippers look for answers, attempting to associate problems with a particular event, such as deregulation, or a person (drivers attribute industry problems to dispatchers; carriers attribute problems to shippers; and shippers attribute problems to receivers). While an individual may assume only general responsibility for a problem, he invariably implies that another part of the system is the source of contention.

As a result, many participants expressed anger and frustration at a system where they feel powerless to change some of the circumstances they face. This report reflects the facts as participants saw them, in addition to commonalities, comparisons and contradictions across groups. Persons involved in the shipping process were given an important opportunity to talk about the challenges they confront. Readers will find that there are no clear-cut answers.

1.3 Guidelines to the Reader

Focus groups are useful research tools for marketing and communications professionals. They cannot, however, replace more traditional survey methods, where results can be statistically

The first question asked of all groups revealed that participants were knowledgeable about violations of motor carrier safety regulations. Participants were asked why drivers violate HOS. Participants continuously returned to these reasons throughout the discussions.

- A list of terms is located in Appendix A.
- Excerpts from the Federal Motor Carrier Safety Regulations (FMCSRs) are located in Appendix C.

CHAPTER 2: METHODOLOGY

2.1 Participant Profile

In October 1996, GEI conducted focus groups in Baltimore, Maryland and St. Louis, Missouri with members of the trucking and shipping industries. A total of 10 group sessions was conducted with 5 target audiences: carriers and brokers; dispatchers; carrier-employed drivers; independent drivers; and shippers. Due to the limited number of groups, carriers and brokers were considered as one target audience. The following grid demonstrates the breakout of groups:

| Target Audience | Number of Groups | | Total |
|--------------------------|------------------|-----------|-------|
| | Baltimore | St. Louis | |
| Independent Drivers | 1 | 1 | 2 |
| Carrier-Employed Drivers | 1 | 1 | 2 |
| Carriers/Brokers | 1 | 1 | 2 |
| Shippers | 1 | 1 | 2 |
| Dispatchers | 1 | 1 | 2 |

Total Number of Groups¹ = 10

2.2 Site Selection

The research design called for the conduct of groups at two locations. Sites were selected, in part, based on information obtained from the draft final report of the "National Intelligent Transportation Systems/Commercial Vehicle Operations (ITS/CVO) Program Requirements". The "Motor Carrier Industry Overview" component of this report organized the industry into seven "truck sheds" or geographical regions. Baltimore was selected as the first site for two reasons: first, the city was representative of the Northeast truck shed (the Boston-to-Washington corridor dominates freight activity in the Northeast), and second, for its proximity to Washington, D.C. This proximity also allowed for observation of the groups by OMC staff. GEI recommended that the second site represent a Midwest truck shed, as such a location would provide a good cross section of the industry, particularly those individuals with a cross-country perspective. St. Louis and Chicago were identified as potential sites and St. Louis was selected.

¹ The research design originally called for 12 groups to be conducted. Only ten were conducted and this issue is addressed under recruitment protocol.

The shipper group proved to be difficult to recruit as well. While shippers were contacted in and around the Baltimore area, only enough participants for one group were found. Many shippers were too busy to attend the groups, some had scheduling conflicts and others were simply not interested. Again, it is believed the Gunther case affected the recruiting effort in Baltimore.

St. Louis shipper recruitment was equally challenging. As in Baltimore, some individuals were not interested, others were too busy and several had scheduling conflicts, particularly since the group was being held on the last business day of the month. Some participants were also aware of the Gunther case, but were not as guarded as their Baltimore counterparts. Additionally, many shippers were willing to participate until they were told that groups were to be held on Halloween; some individuals canceled, stating the need to be home. As a result, only enough participants were recruited to convene one shipper group at this site.

In conclusion, recruitment was more time and labor intensive than anticipated. Only 10 of the planned 12 groups were conducted. Since Baltimore sources had been exhausted, GEI suggested the option of conducting the remaining shipper groups in Philadelphia. However, this option would have required additional funds that funding limits could not support. Therefore, no additional focus groups were held.

2.4 Logistics

Focus groups were conducted in field houses in both locations. A field house is a research setting that is typically comprised of a mirrored conference room, an observation room, audio and video recording equipment, a phone room to recruit participants and an office area.

2.5 Preparation of Research Materials

The moderator's guides and participant information sheet were prepared by GEI in consultation with the OMC and an advisory panel. A separate guide was developed for each audience; however, discussion topics were consistent throughout. These topics included opinions about HOS violations, processes used for scheduling and individuals involved in the scheduling of shipments and delivery of goods.

2.6 Conduct of the Focus Groups

Groups were conducted by James Swinehart, Ph.D. and lasted at least 90 minutes each. Five groups were held in Baltimore; 5 groups were held in St. Louis. A total of 57 individuals participated, comprised of 5 women and 52 men. The all-male driver breakout was 12 independent drivers and 14 carrier-employed drivers. There were 11, all-male representatives of carriers and brokers. There were 10 dispatchers, 2 of whom were women. It is also important to note that

CHAPTER 3: FOCUS GROUP FINDINGS

3.1 Scheduling

Analysis of all focus group comments revealed that several factors, including the nature of appointments—e.g. waiting in line, JIT deliveries, tight schedules, bad weather and rerouting/road conditions can affect a schedule. These variables leave little room for delays that can occur, participants said, and the pressure they apply on drivers can lead to safety problems and HOS violations. Delays are not usually taken into consideration when schedules are set, confirmed most groups. This view was contradicted by many shipper participants who stated that either the possibility of delays was factored into schedules when schedules are made or schedules might be adjusted if a shipper was notified of delays in ample time. Virtually all participants noted that, depending on their position in the process, they had either been turned down for unrealistic delivery or pickup schedules, or they had refused to bid or accept a job because of unrealistic schedules.

Responsibility for scheduling can be elusive, said all participants. No one party is totally responsible for setting a schedule. Likewise, schedules are set at various points of the shipping process. All parties involved have differing opinions on where the problems are, who is responsible and how scheduling problems are solved.

3.11 Who sets the schedule?

General conclusions

There was no consensus on any one particular individual, or office, who was totally responsible for setting a schedule. According to drivers, the dispatcher sets the schedule; according to dispatchers, the carrier's sales personnel are responsible; according to carrier/brokers, the shipper and receiver are responsible for setting the schedule; and finally, according to shippers, the shipper's sales personnel set the schedule, based on receiver or customer demands.

While each audience asserted that someone else was responsible for setting a schedule, particular emphasis was placed on dispatchers, brokers and sales personnel. Their roles are important to the scheduling process and participant impressions are discussed below.

Dispatchers

All groups concurred that dispatchers are pivotal to the shipping process. Dispatchers determine job feasibility by analyzing shipper and carrier needs, driver and equipment availability, safety requirements for the type of freight to be delivered and the amount of potential carrier income to be generated. A dispatcher's job, noted most groups, is challenging because different agendas must be considered when developing a schedule.

these participants, because dispatchers control the flow of information. Successfully meeting schedules depends on their ability to communicate information quickly and accurately.

Sales personnel

All groups with the exception of the independent drivers, focused on sales personnel's role in setting schedules. While sales personnel can generate business, their pickup and delivery promises are often made without consulting dispatchers and/or traffic personnel to determine if such a promise is realistic. Shipper, carrier/broker and dispatcher groups confirmed that this is a problem they often face. The challenge, they noted, is to educate sales personnel about realistic traveling distances and times, freight restrictions and to contact them *before* promises are made.

Brokers

The carrier/broker and shipper groups confirmed that a broker's activities can contribute to scheduling challenges (few brokers actually participated in the focus groups). Brokers compare rates among carriers, and their decision to go with one carrier over another invariably depends on rates, participants said. Opinions about how brokers do their work varied according to the audience. For example, carrier opinions about brokers were generally negative. The broker, according to carrier participants, cares only about moving freight as quickly and as cheaply as possible, regardless of the repercussions. Some carrier participants said that brokers get a percentage of the load. Most participants believe that the broker is a non-responsible party, and once the freight is on a truck, delivery responsibilities fall on the carrier.

Shipper group participants held varied perceptions regarding the use of brokers. Some confirmed that they did not trust brokers, while others said that their role was critical.

At what point is the schedule made?

Schedules can be set at a number of points within the delivery process, confirmed all groups. The shipper's sales personnel make delivery promises when they hear, "I want the product now," from the receiver; the dispatcher sets a schedule when he receives a call from the carrier's sales personnel that a pickup and/or delivery is needed; the driver sets his own schedule depending upon such factors as the kind of freight already on the truck, destination points and time allotment per load.

There was a consensus among most participants that schedules are very often made *before* a driver leaves to pick up or deliver a shipment and that potential delays are not taken into account when a schedule is set. Shippers said they did take potential delays into account *whenever possible*. With the use of appointments and JIT, they noted, there is little room for delays. Few concrete solutions were offered across groups, with the exception that when delays do occur, communication between a dispatcher and driver and a dispatcher and shipper is critical.

Individual audience analysis follows. The questions, "who sets the schedule, and at what point is the schedule made?" are addressed separately.

Similar to their independent counterparts, participants believed that dispatchers receive bonuses for moving loads. Said one participant, "He [the dispatcher] tries to put more pressure on and tells you a false [delivery] time and makes you bust butt so that he winds up with a bonus for sitting there on the phone in the dispatcher's office."

Regardless of what the carrier-employed drivers believed about dispatchers, they all concurred that a dispatcher's role was pivotal. Said one participant, "Everything goes to hell when he is on vacation." Participants seemed sensitive to the pressures that dispatchers are under, as well as the often confusing roles that other individuals play in setting up schedules. As one participant observed, "...[You're] [the dispatcher] trying to please the customer, and he's dictating to you, as a dispatcher or terminal manager [you hear], 'all right I need this tomorrow.' What are you supposed to say? 'No, I'm not going to.' But that's going to blow a \$150,000 a year account. It's the shippers and the receivers [who]...are demanding the service from the company."

At what point is the schedule made?

Neither carrier-employed driver groups focused on this issue. Rather the emphasis was on the parties involved in setting up a schedule.

3.113 Dispatchers

Who sets the schedule?

Both dispatcher groups said that they were partially responsible for setting up schedules. However, they focused on procedure and then discussed the pitfalls of the system. The first step in the scheduling process is to bid on a particular job. The job may come directly to a dispatcher who has been asked to provide a rate. Said one dispatcher, "As a dispatcher, you're also a salesman...Someone will call asking for a rate. I'll ask him, what is the commodity, where are we picking up from, where are we delivering to and is it hazardous materials [hazardous materials]. I offer a package price for the whole thing, [which includes an estimate of] how long will it take to get the job done, how much the driver [should] make off of the job and how much the company should make off of it."

Many of the dispatchers shared how they set rates. Some rates were set by miles per hour (range discussed: 45-55 mph) or by distance (if a pickup or drop-off point is 700 miles, it will take "x" amount of time to get there for "x" amount of dollars, depending upon shipper scheduling needs).

Also acknowledged was the role of a carrier's sales personnel. Many participants felt that customer service representatives or the sales staff make pickup and delivery promises and dispatchers have to follow-through on what has been promised. Communication between sales personnel and dispatchers is important, noted many participants. *They concluded that smart sales personnel will ask a dispatcher if a pickup or delivery is possible before a commitment to a shipper is made.*

another and he can make or break a company or a driver. Dispatchers keep everybody happy, they said, including sales personnel, shippers/receivers and drivers.

Participants were told that drivers were convinced that dispatchers received a percentage off of loads. All participants stated that their dispatchers are on salary only, and they do not provide bonuses based on individual pickups and deliveries.

Carrier-broker groups also talked about a broker's role in setting schedules. Many participants were critical of brokers. They said that brokers make promises to shippers and pass the pressure onto carriers. Said a group member, "He [the broker] doesn't care when he puts a load of freight on that truck whether the driver's got hours, doesn't have hours, whether the guy just ran three days straight off the west coast or to the west coast. All he's interested in is moving a load cheap." This comment is supported by a discussion about the use of broker boards, a mechanism to recruit drivers who can move freight as quickly as possible. Loads that need to be taken from point "A" to point "B" are posted on a television screen at truck stops. Available drivers call posted telephone numbers to acquire additional information. While a significant amount of freight is moved this way, "load posting is a very scary system, because you don't see the equipment... you don't see the driver...you don't know whom you're dealing with," said a participant.

At what point is the schedule made?

According to carrier/broker participants, schedules can be set at different points of the shipping process. A schedule could be set at the last minute, or it could be set once a bid is accepted. The process may begin with a call from a broker who asks for a bid. The receiver or customer on the other end can also put the pressure on a carrier. Stated one participant, "They've [the receiver] got a young clerk that they're paying a little above minimum wage to answer the phone, ...'by the way we need for you to set up the trucks for these shipments.' In my opinion, the shipping public, whether it be a shipper or [receiver]...do not take our end of the business seriously. It's like an after thought." Both groups agreed that ultimately, it is a carrier's responsibility to get the truck there on time, regardless of where the process begins.

One group focused on the process of how schedules are developed. A participant summed it up: "When a customer calls us, we try to find out the course of the destination, location, etc...before we price it up because we don't accept any orders unless we know what the requirements are." Every carrier has a formula for establishing rates. For example, one carrier noted that local, short and long haul pricing varies according to the requirements. Stated another participant, "We need to generate so much dollars—so much revenue on the truck—before we even consider moving something from point A to point B." Another participant stated that at average of 500 miles a day is used to factor rates.

Regardless of when the schedule is made, carrier/broker participants confirmed that they would, and had, turned down work because of an unrealistic schedule. They were aware of their limitations and were not about to take unnecessary risks: "If we feel the requirements are unrealistic we let them [the shipper] know we can't do it. We do turn business down...We don't guarantee the schedule unless it is a realistic schedule," confirmed a carrier/broker representative.

3.12 What affects the schedule?

General conclusions

Participants across groups agreed that delays are commonplace. Delays are not only frustrating, but can also contribute to safety violations. The presence of appointments, JIT and tight schedules causes the most problems, noted participants. Additionally, bad weather, equipment breakdowns, circuitous or congested routes and frequent inspections can be sources of further delays. These circumstances are discussed below.

Appointments

Scheduling appointments for pickups and deliveries is becoming standard practice, confirmed all groups. All participants concurred that a driver who is given a specific appointment time, commonly finds that there are 10 trucks in front of him that also have the same appointment time. When a driver is held up at an appointment and waiting time increases, the resulting delays impact other scheduled pickup and delivery times. Likewise, freight that is not picked up or received on an appointed day will be scheduled for the next day or later, thus causing even lengthier delays.

These challenges led drivers, dispatchers and carrier/brokers to believe that shippers do not take appointments seriously. In response, shippers acknowledged that setting appointments was not an exact science and there are problems inherent in the system. Some said they attempt to keep waiting time to a minimum, on average of up to two hours.

Finally, all groups agreed that schedules are very rarely adjusted when appointments cause delays and drivers can be held responsible for meeting original deadlines. This situation can place a carrier in a position of either meeting client needs and potentially violating HOS and other safety regulations or keeping a driver legal.

JIT deliveries

Participants said that JIT and last-minute orders are commonplace. In theory, JIT saves money because products are not produced until they are needed—thus, “just-in-time.” The problem, according to most participants, begins when orders are placed at the last minute and unrealistic pickup and delivery promises are made. *Carrier/brokers said promises are based on the old belief that products are waiting in warehouses to be shipped, when in reality, products are still on the “assembly line.”* JIT creates a vicious cycle, all groups agreed, that allows for little margin for error. Thus, parties involved in the process can be forced to meet tight delivery schedules, so every point in a schedule has the potential to become a crisis.

JIT strikes at the balance between satisfying the customer and staying within the rules. Delays are inevitable in this environment, confirmed participants in all groups. Customer requirements that dictate delivery of product “yesterday” can place a carrier in a position of either satisfying a customer or compromising on the safety side. JIT creates a climate where freight needs to be

schedules are planned. Additionally, many drivers said that they are sometimes asked to continue driving even with faulty equipment. While shippers are aware that breakdowns can cause delays, at times they are skeptical about driver honesty. Many shippers said that "equipment breakdowns" are used as excuses for late pickups or deliveries.

Rerouting

Schedules can be profoundly affected by rerouting, caused by:

- State requirements (some states provide maps to drivers that prescribe where freight can be moved, particularly if it is hazardous material);
- Accidents; and
- Carrier instructions (some carriers request that drivers avoid costly toll roads).

Drivers may go up to 100 miles out of their way in order to meet these requirements and the time lost due to rerouting is not taken into consideration when schedules are made, drivers confirmed. Shippers said that they were aware of routing restrictions and planned their schedules accordingly. Perhaps this contradiction reflects a communication challenge between drivers, carriers and shippers.

Inspections

Inspections were major concerns among independent drivers only. All participants concurred that there are too many inspections and not enough coordination among jurisdictions concerning inspection frequency.

In conclusion, most participants, with the exception of shippers, said that appointments, JIT, tight schedules, bad weather and equipment breakdowns, rerouting and frequent inspections are not taken into consideration when schedules are planned. Nor are schedules adjusted when such situations arise. Some shippers said that schedules are adjusted when they are given ample notice. However, shippers admitted that receiver demands sometimes make it impossible for schedule changes to be made.

All participants confirmed that effective communication is critical when these circumstances occur and yet, groups concurred that a lack of communication exists. As stated in Section 3.4 Communications Issues, efforts are being made to establish better communication as a priority.

3.121 Independent drivers

All independent drivers concurred that appointments, tight schedules, weather conditions, equipment breakdowns, rerouting and inspections can affect a schedule.

Rerouting

Routes may be dictated by the freight or commodity shipped. For example, some states require that drivers carrying hazardous materials travel only on designated routes, which can impact a driver's HOS. Not only can rerouting cause delays in arriving at an appointed location, noted the drivers, but if the routes are not followed, drivers can be fined.

Inspections

Many drivers concurred that there are too many inspections, too much enforcement and not enough coordination among jurisdictions. Baltimore drivers said that they were being inappropriately stopped for inspections. Said a driver, "I came through the harbor tunnel at 10:00. They [law enforcement officials] stopped me going southbound...my truck passed the inspection...Once you pass inspection, they're supposed to give you a sticker recognizing that you have a safe vehicle. They won't give me a sticker, because, 'we're not qualified...[to give it out].' I go through, get unloaded, 10:25 I come through northbound. They stopped me and reinspected me. I said, 'I just was in inspection over there.' [They] couldn't find anything wrong with the truck again. So I asked...for a sticker, and [was told], 'oh no, we're the Tunnel Authority, we can't give it to you.' They let me go...At 6:00 that evening they stopped me northbound and wanted to see my log book [log book had been reviewed during previous inspections that day]."

3.122 Carrier-employed drivers

Carrier-employed drivers said that appointments, tight schedules, number of daily scheduled deliveries, special shipper circumstances, bad weather and equipment breakdowns and rerouting affect schedule outcomes. These factors can cause delays and as one Baltimore participant concluded, "In your own mind, right or wrong, you're fighting yourself all day long. Every time [you] run into a snag, it puts [you] back a load, it puts [you] back a half a day..."

Appointments

Virtually all drivers had experienced waiting in line for appointments. A participant recalled on one stop that 27 trucks were scheduled at the same time. No bills were signed until all 27 trucks were unloaded. Every driver was expected to help.

Additionally, drivers can be placed under significant pressure when appointments are made *before* verifying driver availability and if a driver is late for an appointment, shippers can refuse the freight. As a result, a driver may be forced to carry that load for a number of weeks. One driver said that he was 20 minutes late for an appointment and he was forced to carry this load for two weeks before he could be rescheduled. Participants suggested, "If the delivery appointment was not set until the time the driver was actually loaded...and ready to pull away from the dock...[that would work better.]"

Equipment breakdowns can cause problems on a variety of fronts. A participant noted that if a driver tells the carrier that there are problems with his truck, the carrier may not want to hear about it; in some instances, the carrier wants the driver to take the truck out anyway. In either case, drivers lose, participants said. If the truck is in the shop, the driver might lose a day's pay. If an inspection reveals faulty equipment, the driver can be fined and further delayed.

Rerouting

While drivers said that rerouting can ultimately cause delays in the final pickup and delivery of freight, it is not necessarily taken into consideration when schedules are made. "These things are never taken into consideration. A central dispatcher looks at a map and sets [a route] from point A to point B," confirmed a participant.

Additionally, some dispatchers do not have the routing information they need in order to effectively plan a driver's route, said participants. They noted that some dispatchers use a computer system known as the PC Miler to calculate distances between pickup and delivery locations. This system uses the distance from post office to post office as a measure for scheduling shipments. *The drivers said that dispatchers may not know the distance between actual pickup and delivery locations.* This can cause scheduling problems, participants said, when a post office is miles away from a target destination.

3.123 Dispatchers

Dispatchers said that appointments, JIT, tight schedules and bad weather affects schedule outcomes. All these factors can cause unexpected delays.

Appointments

Both dispatcher groups confirmed that appointments can be a problem for drivers and dispatchers. "Appointment times mean nothing. [Customers tell you to] hurry up and get there and then hurry up and wait when you get there." Dispatchers feel the repercussions of appointments in a different way than drivers because they are responsible for rearranging schedules that have been altered because of appointment delays. Dispatchers contact shippers and receivers about resulting delays and attempt to negotiate new pickup and delivery times.

JIT deliveries

The need to satisfy a customer and also meet HOS requirements are challenging, noted the dispatcher groups. Orders are placed at the last minute, since the trend is not to tie up inventory in a warehouse. If a shipment is not delivered when it is needed, problems ensue. Add waiting to the JIT equation and the stakes become even higher. A dispatcher's role is critical in such circumstances. *Dispatchers said that effective communication is key to successfully handling JIT deliveries.* A participant said, "...Anytime...we're not going to meet the window, prior to even leaving the [pickup location]...if you tell them [shippers/receivers] ahead of time, they will have the

Appointments

Similar to other groups, carrier/brokers said that an appointment means, "...[Shippers/consignees] are taking 100 trucks and they schedule 20 for 10:00 a.m.... Their idea is, 'You're here, now you wait on us.'" Drivers arrive on-time, only to wait, said the participants. Delays caused by appointments impact a schedule because most appointments are just one in a series. When one thing goes wrong, it can seriously affect the rest of the schedule. Warehouse operations that sell groceries, hardware and other consumer-oriented commodities use appointments extensively and often make drivers wait, confirmed the participants. This issue is discussed in Section 3.33.

JIT deliveries

While JIT is a critical part of the industry, it can place tremendous scheduling challenges on carriers, so much so that a carrier/broker noted that JIT should be called, "NOT—never-on-time." Participants acknowledged that JIT places pressure on all parts of the system to produce. "Everything is pushed into a scenario...that...the customer calls and says, 'I need it now.' The product's not ready so they start manufacturing—pushing everyone to speed up the whole time plan and they say the driver has to be there tomorrow..."

Tight schedules

Participants reviewed the process by which tight schedules are dealt with. It was clear that if a schedule was unrealistic, then the job would not be accepted. "When a customer calls us, we try to find out the course of the destination, location, things like that before we price it up because we don't accept any orders unless we know what the requirements are. If we feel the requirements are unrealistic, we let them know we can't do it. We do turn business down... We don't guarantee the schedule unless it is a realistic schedule," noted a Baltimore carrier/broker participant.

One of the carrier/broker groups discussed the process by which a tight schedule is handled en route. In most circumstances, a driver is delayed at one location and is unable to pick up freight on time. Special arrangements can be made, but at a cost. Similar to the dispatcher groups, communication between the dispatcher and the shipper was considered critical.

Evident as well, was an acknowledgment of the competition inherent in the trucking industry, particularly through the shipment of goods through LTL—again, there is always a carrier who will turn an impossible schedule into a possible one. Carrier/brokers also agreed that specialty carriers such as UPS and Federal Express set a standard in last minute emergency deliveries and most carriers do not have such a standard in place. "The system works to the full extent of the customer's imagination. When they want that load there, they want it. People think that because UPS can deliver the next morning that everyone can," concluded a participant.

Confirmed a participant, "...there are times now with JIT...[the customer is]...calling you 11:00 today and they want it delivered 7:00 tomorrow morning and they're in Texas. This is just not going to happen, but these are some of the demands that our customers are putting on us..."

Shippers also noted that they are not entirely responsible for pressuring carriers to deliver the product that has a tight schedule. "The pressure doesn't always come from us," confirmed a shipper participant. "Yes, we want it there in two days. Can the driver realistically make it? Probably not, but is that trucking company going to encourage the driver to drive to make that company and the driver look good? Is that in our control or the trucking company's control? ...Most of it is out of my control and pretty much in the...[carriers'] control."

When asked how they would want a carrier to respond to an unrealistic schedule, participants concurred that it is better to have a carrier be honest and not make promises that are impossible to keep. Likewise, if there are delays, open communication becomes critical, noted many participants. As long as a carrier notifies the shipper, problems can be worked out most of the time.

Equipment breakdowns

Shippers acknowledged that equipment (truck) breakdowns can affect schedules and cause delays. Unlike other groups, however, shippers said that breakdowns can be used as excuses for not being able to meet deadlines. Said a participant, "We had a breakdown,' that could be a catch all for anything..."

3.2 Loading and Unloading

Loading and unloading freight can cause considerable delays, confirmed participants in all groups. Three issues emerged among participants:

- Waiting for freight, product and/or proper equipment;
- Driver responsibility for loading and unloading freight; and
- The impact of unions on loading and unloading freight.

These delays can impede a driver's ability to effectively meet schedules and lead to violation of HOS, driver fatigue and loss of income by all parties involved, the groups concurred. *Most participants concluded that shippers still want schedules to be met, regardless of the delays caused by loading and unloading and the driver is held responsible if a shipment does not arrive at its destination in a timely fashion.*

There are interrelated challenges associated with shipping freight. With the advent of JIT, less of a product is ready to be shipped when it is needed. As a result, trucks are kept waiting as product is being completed. Appointments also impact how quickly freight is loaded and unloaded. *All groups concurred that delays at the loading and unloading stage(s), can cause delays and other problems for the rest of the shipping process—drivers may have difficulty meeting other appointments; JIT delivery schedules may become impossible to meet, thus costing a shipper additional funds to move important freight and a carrier to lose business; and a driver may have completed his HOS without “turning a wheel.”*

Driver responsibility for loading and unloading freight

The issue of who loads or unloads freight was raised in all but the shipper groups. While drivers and dispatchers said that drivers should not have to load and unload their freight, in some cases, drivers have no choice but to do the work. Many drivers were frustrated with this aspect of their jobs because:

- On numerous occasions, drivers are not compensated for loading and unloading freight. When drivers are not paid for loading and unloading freight, carriers are essentially providing free labor, confirmed participants, and many questioned the fairness of this practice.
- Drivers loading and unloading does not allow drivers to rest.
- Lumpers, individuals hired by shippers, receivers or drivers, are often used to load and unload freight and drivers are still not able to rest. Many participants noted that resting was impossible because they must watch lumpers. Ultimately a driver is responsible for his freight and a driver is held accountable if a load falls short.⁵
- Freight that has to be repalletized to meet customer specifications can lead to tremendous delays. This issue will be addressed in Section 3.33.

The data do not indicate how extensive driver loading/unloading problems are. However, among drivers, dispatchers and carriers, the appropriateness of drivers loading/unloading freight was a serious issue. These groups noted that a significant amount of time is spent loading/unloading freight and this responsibility takes a driver away from his primary job—driving a truck.

Finally, participants were under the impression that the DOT regulated the number of hours to be spent loading and unloading freight. Drivers said that one hour can be spent completing these tasks per 10,000 pounds.⁶

⁵ It was the dispatchers who offered much of the details about the problems faced with using lumpers. Drivers on the other hand, did not give this issue notable significance.

⁶ While there is no such regulation, some participants were emphatic about its existence.

In conclusion, loading and unloading responsibilities can complicate the shipping process because a driver may already be delayed and tired from:

- Waiting in line for an appointment or for product/proper equipment;
- Rerouting due to an accident or inclement weather conditions; and
- Loading and unloading at another location.

Drivers once again noted that scheduling delays can be profound because of these factors and loading and unloading freight is a major contributor of delays. There would be no schedule problems if shippers loaded and consignees unloaded, participants agreed. "Shippers [should] load and count, receivers [should] unload and count is the way it should be and 90% of these [problems would be gone,]" said a participant. Another driver added, "...If the government would enforce a rule that a shipper had to load it, a consignee had to unload...you would have plenty of time to make your schedule because they would schedule them in...when they had time to unload..."

3.212 Carrier-employed drivers

Carrier-employed drivers said that loading and unloading problems can impact a driver's ability to perform his job in a safe manner. Approximately 70-80 percent of the backups are caused by shippers/consignees not trucking companies, they said. "If the government wants to crack down on somebody, start putting stipulations on these people who are receiving and shipping this freight. They are liable for hazardous material, and they are making us hazardous material by putting us out there with no rest." Participants said that delays can cause fatigue and that a driver, who may be tired by either sitting and waiting and/or loading/unloading, is still expected to pick up the next load. Such delays can also affect a driver's ability to meet schedule requirements. "Every time you run into a snag, it puts me back a load, it puts me back a half a day...I'm planning on [being home] on Friday night. Here I come joggin' in Saturday afternoon and I got a whole 12 hours to spend with my kids before I have to jump back into that damn truck." Both groups focused on waiting for product or proper equipment and driver responsibility for loading and unloading freight.

Waiting for product or proper equipment

Waiting for product or proper equipment creates two challenges for carrier-employed drivers, the participants concluded:

- Drivers are angry at shippers when there are loading delays because they have been told to be at a shipper's location at a certain time, only to be told that a product is not ready. "...If [a shipper needs to get freight to a receiver]...so bad, why do they make you sit there...[and wait for it?]...90 percent of the rush, rush, rush comes from your shippers and your receivers," a participant said. One driver stated, "[When there are delays in loading,]...you have to be there on the other side of the world in three hours [to unload]." Additionally, few allowances are made at the unloading part of the process when unloading delays occur.

tough delivery time that's going to be hard for the driver to make,...you can tell your customer, 'No, I know my driver can't make it; it's physically impossible...' at which point the industry...has created our own problems by not sticking together. If we don't do it, someone else will unfortunately."

- Can act as a carrier's business barometer: Whether a carrier will continue to do business with a shipper/receiver can be based on how often trucks are held up by that shipper/receiver. Said a dispatcher, "There are certain people around town who have a reputation of holding your equipment up...When you look at the costs associated with a guy sitting somewhere for eight hours and what else you could get done with ...[that truck, you have to ask,] 'does it make sense to do business with these people?'"
- Can contribute to a driver's inability to rest: The dispatchers concluded that drivers who have to wait to be loaded or unloaded, cannot go to sleep. When one truck moves into the dock, the next truck has to move up. "...That's where driver fatigue comes in. The driver may be perfectly legal in his logs and still be fatigued..., because he can't rest...[while] he's stationary." Likewise, how well schedules are fulfilled dictates whether a driver will be able to rest. "Most of your delivery times are scheduled in the morning. It will take you three or four hours to get unloaded (and that's on a good day), you'll have a customer that requires you to pick up a load—they've known it a day in advance. You get there, you'll sit another four hours to get loaded. They want it delivered the first thing the next morning..., " said a participant. This kind of schedule makes it impossible for a driver to rest.

Drivers usually document this waiting time as, "on-duty, not driving." While drivers may wait up to eight hours, their logs may show a waiting time of only one hour. Said a participant, "He isn't going to log those hours of sitting and waiting when he can save it for driving down the highway." The dispatchers concluded that if drivers counted their waiting time, they would be out of hours in four days. There are not enough hours allowed for waiting. As one dispatcher said, "A driver [who]...is paid by the mile doesn't want to sit, he's not getting paid and then he's out of hours."

Waiting for product or proper equipment

Dispatchers noted the irony of a driver who arrives on time for a pickup only to be told that a product is not ready. Said a dispatcher, "Too many times, my drivers...[are told to be there]...at 7:00 in the morning to pick up. They get there, the product isn't ready, the driver's there at 3:00 in the afternoon, still waiting to get loaded, yet they still want him at [a receiver's]...the next day."

All too often drivers are not paid for waiting and they are expected to meet original deadlines. As one dispatcher said, "80% of the industry has no provision for reimbursing the driver for longer delays." No one wants to pay for detention fees, they said. This is particularly a problem for drivers who are paid by-the-mile. Even though paying drivers by the mile is considered a problem by most dispatchers, "that's the way it's always been," stated a participant. Many of the participants agreed that if drivers were paid for being detained, they would not feel the pressure to make up the hours. Some carriers and shippers agreed with this premise and do reimburse drivers for delays. Some drivers are paid a percentage for delays over two hours, but this is not the norm.

marketing person or a sales person...[who] didn't check with the production people, to see if the product was packed, wrapped, palletized, ready to go..."

Driver responsibility for loading and unloading freight

Similar to the dispatcher groups, carrier/broker participants believed that a driver's role of loading and unloading freight is part of the shipping process. Both carrier/broker groups agreed that freight requiring pallet exchanges cause the most delays. In these situations, noted the participants, drivers are often providing free labor.

The participants said that the pressure for drivers to load and unload comes from shippers or brokers. More often than not, a driver may document that he has been resting when in fact he has probably been loading or unloading freight because he feels the pressure to move on to the next pickup or delivery. Said a participant, "When you just drove your 10 hours and you've got to unload your 45,000 pounds of green beans off the back of your truck, you're really not in the mood to do that or in the frame of mind. Once you get there, your dispatcher or broker wants you to get over to x,y,z company to get another load...[when you show the carrier the log book, it says that]...you were in your sleeper berth and if anyone asks you, you tell them you got a lumper when in reality, you were back there 'fingerprinting' those green beans." In some instances the expense of using lumpers was considered prohibitive. Lumper pay ranged anywhere from \$50 to \$100 per load.

Some drivers are asked to wait or to come back if they do not load/unload freight themselves. Drivers who are paid by the mile are the most vulnerable because the longer they wait, the fewer miles they will be able to drive.

3.215 Shipper perspectives

Unlike the other groups, while shippers acknowledged that drivers are forced to wait for product to be completed, there was no emphasis on driver or lumper responsibility for loading and unloading. Therefore, there is only one subsection within Shipper perspectives—waiting for product or proper equipment.

Waiting for product or proper equipment

Shipper participants acknowledged that the majority of the delays caused by shippers occur at the loading and/or unloading stage. More of these delays arise at the end of each month or on a quarterly basis. It is at these points when sales are finalized and there is a push to get the product to receivers. A shipper confirmed, "We wait for the parts to come in. I've never seen such chaos. The computer is still burning. [There's shotgun loading as the parts are finished]...[then we] pack-'em up."

As stated previously, while shippers attempt to keep waiting time to a minimum, drivers are sometimes delayed six to seven hours. Said a participant, "One delay can mushroom down the line,

Union members can cause delays in loading and unloading because union workers at loading and unloading locations are not acting responsibly, drivers said. "If you go [to]...any of these piers in Baltimore where it oughta' take you a minimum of 15 to 45 minutes to get a box, it takes you 2 to 6 hours to get a box mounted and dismounted, and it doesn't make any sense. The workers are...union. [There are] 3 or 4 guys talking with you on the scales. In customer service, out of the 45 guys, there's 4 f them there, reading the newspaper, watching TV, and one is working," said a member of the Baltimore group. Participants also stated that union drivers are given preferential treatment and union employees make little attempt to cooperatively work with non-union drivers. A St. Louis group member cited an example of union trucks getting loaded before non-union trucks.

3.222 Carrier-employed drivers

Both groups strongly agreed that unions can protect drivers from loading and unloading abuses such as working long hours and handling freight during a time when they should be resting. Five of the 14 drivers were union members and union influence in St. Louis was particularly strong. The most positive aspect of union membership, concurred both groups, is the presence of a system that supports drivers when they are asked to perform duties that in their minds, place them in jeopardy. Said participants,

- "If you're not union, you have no recourse. If you file a formal complaint, the company has a right to see who filed that complaint."
- "If you are not union, you don't have any protection. You have nobody...you can't go to the dispatcher, because the dispatcher [calls you] a troublemaker."

3.223 Dispatchers

Only the Baltimore group addressed the issue of union contracts. A participant confirmed that a union can charge fees if freight is not moved off the pier or if containers are not returned in a timely fashion. According to participants, policies imposed by unions relative to loading and unloading can place a dispatcher in a position of either costing the carrier money or forcing a driver who is close to completing his to load or unload his freight. "If you don't get [your freight] off the pier in time, you have to pay the merge; or if you don't get the empty container back to the pier in time, you have to pay per diem...[These] costs are imposed by the ILA Union," confirmed a dispatcher.

3.224 Carrier/brokers

Only the St. Louis group focused on the role of union contracts. Participants talked about delays caused by union policies as well as the use of union drivers.

Carrier/brokers said that union warehouses can refuse a shipment if they have met their quotas for the day. Drivers are forced to reschedule, which can cause additional delays.

- Drivers are under tremendous economic pressure and young, new drivers are thought to be the most susceptible.

These concerns were not uniformly addressed in all groups. As a result, for example, Section 3.315 Shippers, does not have a separate subsection entitled, "Economic pressures faced by drivers."

Deregulation - Economic Pressures

The participants in this focus group study had strongly-held opinions regarding deregulation of the industry. It has had a direct impact on pay scales and carrier competition. According to most participants, deregulation has caused rampant rate cutting; increased carrier competition and driver expenses; and lowered driver pay.

All groups noted that independent drivers have been affected most by deregulation. While the majority of the drivers perceived that profit margins had gone down to less than what they were 20 years ago and their costs had gone up, many shippers said that service and dependability are better than before deregulation.

Carrier/brokers stated that deregulation has encouraged greater competition among carriers. In this climate, carrier loyalty is irrelevant. A shipper's greatest concern is the rate and how quickly a carrier can get freight to its destination. Shipper and carrier personnel changes were also affected by deregulation, participants said. With its advent, shipper and carrier traffic managers were replaced by sales and marketing professionals who had little background in the industry. These individuals, according to carrier/brokers, make delivery promises without confirming if a product is ready. Thus, more stress is placed ultimately on drivers who are forced to "hurry up and wait" for a product to be completed and then rush to deliver it.

Balancing customer requirements and staying legal

All parties involved with shipping freight constantly balance keeping a customer happy with staying safe and legal, participants confirmed. Saying "no" to a pickup or delivery because a schedule is unrealistic poses different economic challenges for each audience.

- For independent drivers, losing work may translate to not being able to make a living.
- Carrier-employed drivers confirmed that saying "no" can cost them their jobs. Many drivers felt at the mercy of their employers in relation to how their hours are dictated. If they do not perform as the carriers ask, drivers noted, they can be "starved out."
- For dispatchers and carrier/brokers, saying "no" translates into potential loss of a client, thus affecting company revenue. Likewise, the competition for loads among carriers can make the pressure very intense. Such statements as, "You do what it takes to please the customer" were fairly common among dispatcher and carrier/broker groups. The carrier knows that there is always another carrier who can provide a cheaper and faster service than

3.311 Independent drivers

Independent drivers focused on all three issues—deregulation, balancing customer requirements and staying legal and the economic pressures faced by all drivers.

Deregulation - Economic Pressures

Many drivers perceived that since deregulation, drivers are afraid of losing work due to the competitive nature of the industry. Since deregulation, rates have gone down; costs such as fuel have gone up; and drivers' pay has remained stagnant, drivers said. Concluded a Baltimore participant, "[Twenty years ago,]...you didn't have to run as hard because the loads were paying decently. Therefore you didn't have to worry about the HOS because what you did money-wise in two days now [takes] one week." Transportation deregulation by the Federal government led many drivers to believe that their concerns are not being heard. Many of the drivers noted that government guidelines do not necessarily protect the truck driver. In short, a Baltimore participant concurred, the government's guidelines regulate the wrong thing. "We have a sad situation we're confronted with," said a driver. "The Federal government sets guidelines, but... [they are] not interested in what the trucker gets, but they can tell you that you can only drive but for 10 hours a day."

Participants expressed frustration and anger at a system that they feel does not support them. They also feel that they had no input into deregulation. Said a participant, "The trucker as an owner/operator had no injection into Congress whatsoever. They went into their offices, made their decisions, but my wife and children have to suffer as a result of someone making a decision who does not know 'a from [a] bullfrog.' The bottom line is money. If I can't make enough money to keep my equipment up, to be able to rest when I need to, to carry on in a businesslike manner, [then] I am being prostituted by my industry. We have no guidelines, no follow-up. Congressmen don't know what we go through."

Deregulation, according to independent drivers, has also affected a driver's ability to maintain his truck. A driver can complete his hours and still not make enough to keep his truck safe. Additionally, many drivers incur high truck payments and fuel costs. In short, "...You've got to watch your books, watch what you're doing and make your money pay off...You've got to truck with your head now. It's no longer just goin' out truckin' to make money. Now it's a business...I'm no longer just a truck driver, I'm an independent contractor, I have a business, I'm a business man," confirmed a participant.

Economic pressures faced by drivers

While the economic pressure is immense for many independent drivers, at least half of the participants agreed that safety was more important than economics. Some drivers talked about eliminating themselves from the competition if the freight had tight scheduling requirements that could place a driver in jeopardy. They also spoke of placing safety over the need to adhere to unrealistic schedules. "...I [don't] haul something that spoil[s]. He can tell me all he wants-- that's its gotta be there at such-in-such a time; it will be there when I get there. If they wanted it

participant. Another driver agreed when he said, "...I've been driving for 17 years, I will do what I can do. I know I'm good at what I do. If they don't like it, I'll find another job..."

Carrier-employed drivers also focused on economic conditions experienced by new, young drivers. They confirmed that these drivers are under a significant amount of pressure from their carrier employers to fulfill unrealistic schedules. In some cases, they have no choice, but to accept the jobs because, "...they've got to...pay those loans back...[and] feed their families," said a participant. "...They'll run him to death because they know he's gotta work," said a participant. Another carrier-employed driver said, "These guys are only paid half-scale. And so they want them to run from coast-to-coast...That's what you've got to do..." Additionally, these drivers are told that if they do not accept particular jobs, someone else will. They also know that in order to make a decent living, they need to acquire driving time. As a result, young drivers are on the road too long, violate their HOS and may still be behind financially. Carrier-employed drivers said that there is a 60 to 70 percent turnover among carrier drivers.

3.313 Dispatchers

While dispatchers focused on all three issues, only two are presented in Section 3.313 — deregulation and balancing customer needs while staying legal. While they addressed the pressures faced by new drivers, their comments are more relevant to the issues discussed in Section 3.323.

Deregulation - Economic Pressures

Similar to the driver groups, dispatchers believed that, "...deregulation screwed up the trucking industry because everybody and his brother are going down the street, buy[ing] a truck get[ting] that commercial driver's license (CDL) and say[ing] 'I am a truck company. He's charging you \$2.00, I'll do it for a \$1.00.'" Thus, dispatchers focused on the competition for business since the advent of deregulation. Additionally, there is little carrier loyalty in this climate. As a dispatcher said, "...We have lost on a bid because somebody bid \$10 cheaper than us. Even some fly-by-night company [can take business away from us. We could have serviced this client for five years and this can happen.] People will let you go for \$10.00."

Balancing customer requirements and staying legal

Dispatchers acknowledged that their jobs were challenging because they must keep customers, carriers and drivers happy, all of whom may have opposing needs. Needs are weighed carefully. Shippers want freight moved cheaply and efficiently. Likewise, many carriers have to run their trucks more than in the past to defray the ever-increasing costs of shipping freight, e.g., loan payments and fuel, maintenance and insurance costs. The driver's ambition is to make money—he wants to drive as many hours as the law allows. Dispatchers weigh these considerations against the question, "How good is this piece of business and is it worth placing my driver and my company in potential jeopardy?" A Baltimore participant described the "balancing act" this way: "...The companies have to recognize what is profitable, but also recognize what potential jeopardy they are putting themselves in if [a] driver gets into a crash."

- The industry is operating on a thinner profit margin than it used to, they said, and carriers are offering tremendous discounts just to stay competitive. Shippers start with the lowest priced carrier and then move up. A shipper is going to take the lowest bid because it will increase his company's profit margin. As a result, carriers are competing with each other on a broader playing field. Discounts quoted by at least half of the participants ranged anywhere from 15 to 70 percent. Said one participant, "[I'm told to offer]...a discount of 15 percent lower than the competition."

Many carrier/brokers were perplexed by the problems they believe deregulation has caused. There is a sense that, in theory, deregulation was a positive thing, but somehow, something got lost in its implementation. Concluded a participant, "Our industry has never figured out how to charge like Carl Icahn; if you buy a plane ticket a month ahead of time you pay one price; if you buy it the morning you want to go, you pay a different price. That's unfortunate that we can't learn...what the airlines learned [from] deregulation."

- Since deregulation, the traffic managers of previous years were replaced with sales and marketing personnel. These individuals, according to the group members, make delivery promises that may be impossible to keep. As one participant noted, "The sales and marketing personnel...[say] we'll have it there...first thing tomorrow morning and...[the goods aren't even ready.]"

While not directly connected with deregulation, participants attributed the absence of quality drivers to the creation of new CDL requirements, which came after deregulation took affect. Carrier/brokers confirmed that the pool of drivers is gone and that they are fighting each other to keep good drivers. A participant said, "Look at the ads. You get the dregs..."

Balancing customer requirements and staying legal

Just as the need for money puts pressure on drivers to accept jobs, shippers invoke pressure on carriers for economic reasons. Participants noted that shippers are concerned with getting the product to customers and they may not care how long it will take to get it there or any of the other details involved.

This discussion brought up ethical issues faced by all carrier/broker participants. Said a St. Louis group member, "...If you've got our company that's trying to do it by the book...and you've got this other carrier who will do anything to make a buck, then either you've got to bring your standards down to theirs or run the risk of going out of business. As long as we're on the same playing field, I'll play with anybody." Stated another participant, "Everyone is trying to beat each other up. At some point you've got to say no. We can't do this." Both groups concurred that the economics of the situation are challenging and difficult. Some of the carrier/brokers confirmed that, in some instances, there is little room for negotiation. One participant said that if a rate was not close to what he was quoting, then the shipper could find another carrier. Another participant stated that he would never force someone who was out of hours to continue to drive, regardless of the economic loss. Stated this participant, "...I've never taken a guy who's been down and out of hours and said, 'go do this.' Forget the fines. I don't know if I could live with myself if that guy

operators, which now puts more pressure on the ones that are left.” Said another shipper, “...Now you don’t have the bad apples, but you have to wait for the good guys to finish what they’re doing.”

The pressures drivers experience can originate with shippers, participants said. “A shipper beats a carrier and says, ‘I want it here,’ and the dispatcher turns around and beats the driver and says, ‘I want it there,’ ” acknowledged a shipper. Another participant noted that pressures drivers experience may also come from carriers. The shipper said, [This is] pure projection on my part, [but] there may be pressure on that employee, on that driver, from a job security standpoint...that’s an internal [concern] within that carrier’s operation.”

Balancing customer requirements and staying legal

Similar to other groups, shippers constantly weigh customer needs against what is safe, legal and viable. “There is always someone up in front of you pushing you to go faster,” stated a participant. Shippers are being pressured to meet budgetary requirements in predetermined time periods. They are pressured internally from their sales departments and their customers. Financial gain seems to be a motivating factor, confirmed a participant when he said, “[It] always comes down to the ‘\$’ sign. [We need to] save it or get more of it [and there’s] always someone willing to take that risk [for us].”

Similar to the carrier/brokers, the ethical question of, “how far do you go?” was discussed and opinions were at both ends of the spectrum. Even within the same group, one person said that he would pay extra to get a load to its destination on time while another participant felt that this was a bad practice. Most participants concurred that there is a limit to what they can do. While their actions are dictated by their customers, they also keep safety in mind. “We’re realistic about it,” confirmed a participant. “If [the consignee] wants [product] in this time frame, this is the only way that it’s going to get there. We give them the various options—higher pricing, lower pricing, realistic, unrealistic—we give them the option. If they ask for something unrealistic, [we say], ‘no it’s just not going to happen. We won’t abide by it.’ We make them realize, that we just can’t do it.”

3.32 Carrier size

General conclusions

Two issues were addressed across groups:

- The relationship between carrier size and staying competitive; and
- How carrier size and/or short- or long-haul operations correlate with violating DOT regulations.

Opinions about both issues varied from group to group. Although participants did not reveal the size of their employers, the following opinions reflect their experiences and perceptions.

because they are hauling a cheap freight, but [because] they haven't been paying their drivers anything; now they've bumped it up...because they want to keep some quality drivers," said a participant.

These drivers also said that company drivers can be used to defray the cost of carrier rate cutting. "All these companies over the years have been cutting the rates to get the freight," a driver said. "They've gotten to the point now where they can't cut but so much and keep a company driver in that truck. Now they are going with a lease/purchase plan. They put a company driver in a truck and make [the driver]...pretend that it is his truck so now they can still cut rates. At the end, he's still not going to have any more money or less money, but he's thinking he has a truck."

3.322 Carrier-employed drivers

Carrier-employed drivers focused on carrier size and staying competitive.

The relationship between carrier size and staying competitive

Participants concurred that large carriers have more flexibility to compete in the marketplace than smaller carriers because they:

- Have more trucks and are more able to handle a larger volume of freight;
- Can more easily turn down jobs if the jobs are not profitable. Carrier-employed drivers also agreed that large carriers may have more truck payments than small carriers and many jobs are probably accepted out of necessity; and
- Are in a better position to enforce eight to ten hours of rest on their drivers because there is more coverage. Many drivers noted that large companies cover the cost of a hotel room and meals. They felt that this makes the job livable. One participant confirmed, "I'm working for a huge company right now. The pressure on me is minimal compared to the way it was with smaller companies." Participants also thought that large companies can more easily use team drivers because the ratio of drivers to jobs is not as tight as with smaller companies.

The groups felt that both large and small carriers undercut each other, making the competition for business extremely fierce. While this is true, they agreed that smaller companies undercut out of necessity. "...They'll come and say, 'well we know that big carrier can do this. We'll do it for half the freight cost and get it there a day sooner.'"

3.323 Dispatchers

Dispatchers addressed whether there was a correlation between carrier size and violation of DOT regulations.

How carrier size and/or short or long-haul operations correlate with violating DOT regulations

At least half of the carrier/broker participants agreed that larger companies are most vulnerable to being fined for violating DOT regulations. Participants also stated that short-haul deliveries pose additional challenges—it is difficult to keep drivers legal who are close to completing their 10 driving hours. Said a carrier/broker, “A guy who’s taking a run from [St. Louis] to Indianapolis, Indiana...may run up there, do five or six pickups around town, then come back to St. Louis. ...Technically, you can’t quite get up to Chicago and back in the same day...Do all the carriers do it? You betcha’...The driver shows he lumped out earlier or came in later...he can cover that and fudge some of the hours,” said a carrier/broker.

3.325 Shippers

Shippers focused on carrier size and staying competitive.

The relationship between carrier size and staying competitive

Many of the participants speculated that the large carriers make more money and probably have more of a profit margin than smaller, regional carriers. They said that small carriers who have just entered the industry are building up cash flow and they may be apt to cut corners. The larger carriers on the other hand, have too much exposure to cut corners visibly. “A larger carrier can take a guy and he may not see home for two months. The regional [carrier on the other hand] is looking to get his guy two days out and two-three days back. [The larger carriers don’t care.] The driver will eventually get back. This puts more pressure on the shorter haul guys. Smaller guys have to turn volume somehow,” concluded a participant.

Also addressed in at least one of the shipper groups was who is hired to move their freight. At least two participants said they did not hire independent drivers because these individuals can be unreliable and the information they provide the shipper with, e.g., hours available, etc., may be inaccurate. Another participant said that he hires only common and contract carriers and no brokers or independent drivers for the same reasons cited above.

Finally, both groups concurred that if there is “hot freight,” there is always someone who will take the load. The process may be expensive, but these shippers agreed that in some instances, they have no choice but to make a shipment happen, even if the price is exorbitant. Shippers said that they share the cost with receivers and negotiate with carriers on price and process. Options include:

- A pony express: drivers relieve each other at agreed-upon locations. This process can be very expensive and it requires significant coordination.
- Team drivers: While this option is expensive, it moves freight quickly because a truck is rarely stopping (while a driver sleeps, the other drives and visa-versa).

(making it easier for a driver to quickly load/unload freight so he can move onto the next pickup or delivery); and a driver's time must be closely monitored, ensuring that he does not violate his HOS.

Problems encountered

Most groups, with the exception of the shippers, encountered problems with repalletization of freight. When freight is ready to be picked-up at a shipper's location, it is usually neatly wrapped and ready to be loaded onto a truck. Problems occur when a driver arrives at a receiver's location, only to be told that the product needs to be repalletized to fit a receiver's specifications.

Repalletization, confirmed most participants, can take significant driving time away from a driver. As noted throughout this report, appointments, JIT and repalletization can cause loading and unloading delays; dictate that drivers remain on the road too long; prohibit a driver from getting the rest he needs; and lead to HOS violations. Participants recommended that shippers and receivers come to a consensus on pallet sizes so drivers who have to unload can complete the task more quickly and efficiently.

While participants complained about these circumstances, in most cases, they fulfilled shipper and/or receiver obligations. This is because shippers/receivers of these commodities can be powerful, controlling significant portions of a carrier's business. Ultimately, concluded many of the participants, drivers are held responsible for fulfilling tight schedules for these products even though delays may have been caused by shippers/receivers.

3.331 Independent drivers

Type of commodity shipped

Participants agreed that refrigerated loads need to be watched carefully because shippers and receivers do not want this type of freight on the road too long. Produce and other perishable commodities have a limited shelf life and drivers are trying to "beat the clock." Said a driver, "With produce you know yourself you don't want a head of lettuce on your table and the stem is brown..." Another driver said, "When they load produce on you...usually it's a tight schedule to get it to the destination. When you get there it still doesn't mean that the stuff's good, which means that the driver's got to sit there and wait for the stuff to get inspected..." The drivers confirmed that one way to deal with this waiting problem is to threaten to sell the produce to another receiver. One participant concluded that voicing this alternative is the difference between the less experienced driver who will sit and wait for his freight to be inspected and thus to serve as a free refrigeration service, and a seasoned driver who will not allow this as an option.

Regardless of the tight schedules produce creates, many of the drivers concurred that safety was more attractive than money. Said a participant, "I'm crazy about money, but I'm not going to die for it...I hauled produce for 20 some odd years. Not one day, not one load,...did I mess up because I was late, because I had an accident...because I would not put a load on my vehicle in Miami, Florida...to be in Huntspoint...[at the] market the next day. Yes, I lost a lot of freight, but once I established the fact that I would not do it, it was never offered me. I had other outlets...because I was free to do the safe thing."

Shipping automobile parts create other problems, confirmed participants. "We do a lot of auto parts for Chrysler and General Motors. They'll get on the phone and tell you, 'For every minute that the plant is shut down, it costs us \$200,000. Go, go, go.' They don't ship it until the last minute so they don't have to pay warehousing. It comes out of the manufacturer, right into the factory. They're cutting the warehousing..." said a driver.

3.333 Dispatchers

Type of commodity shipped

Dispatchers said that produce, other grocery commodities, hardware and housewares, toys and automobile parts, shipped to large retail warehouses or chain stores are problematic for drivers and carriers. Many of these products require JIT and are carried LTL, which add to delivery pressures. Dispatchers acknowledged that the challenges such commodities present, in some cases, must be embraced because of a shipper's financial commitment to a carrier. For example, "If you're going to take auto parts, you're going to be expected to do the unexpected," explained a dispatcher. "You will do what it takes to get [the parts] there because you are depending on those funds coming in from that particular customer." One dispatcher confirmed that these commodities are carried only if they are lucrative or if a carrier is desperate.

Problems encountered

Commodities, such as produce, require repalletization and repalletization can cause lengthy delays. Said a participant about grocery warehouses, "Grocery warehouses are the biggest violators of everything; they want everything but give back nothing...The driver has to do everything but walk on water to get the freight unloaded....They [grocery warehouses] order a truckload of freight, but want the drivers to segregate it to their [specifications]...Instead of a driver having 22 pallets worth of freight, which he could take off and count within 15 minutes to an hour, he has to spend...up to 12 to 13 hours to get a truck unloaded [himself]...or hire somebody to break the [freight] down..."

Unlike the driver groups, dispatchers placed particular significance on a driver's inability to rest because of the circumstances surrounding the type of freight being shipped. If a driver is carrying hazardous materials, he may be restricted regarding when and where he can travel. In such situations, a driver can be placed in a position of either violating his HOS, completing a trip even though he is tired and meeting a deadline, or leaving the road, resting and being late for a delivery. These dispatchers confirmed that rest is more important than meeting schedule requirements. "My hazardous material's drivers know if they have a spill there is a big problem. A truck load of potato chips versus sulfuric acid is reason enough not to violate [HOS]," explained a participant.

confirmed, "...I'm shipping hazardous materials so I've got to get it there two days prior to [a] cutoff date...I'm playing with hours...If I miss a day, I miss a week or two weeks. Unfortunately, sometimes shippers put pressure on drivers since I get pressure from customers. I may start out flexible...[then] I beg." Another shipper took the opposite viewpoint when he said, "I will never say that we've never exerted some pressure [and] say, 'hey guys this is important; its gotta get there on time...' [On the other hand,] I would not dictate something by contract, that would eventually break the law. I am not willing to cross the line...If something happens, as a shipper of record..., I'm going to be sued...It's not worth it..."

3.4 Communications Issues

General conclusions

The focus group participants talked about the communication challenges each party faces with other components of the industry. All groups discussed the importance of communicating to better ensure efficient pickup and delivery of freight. Even with this acknowledgment, it can be challenging to keep the lines of communication open. Perhaps the unpredictability of the industry, e.g., JIT, appointments, waiting, delays caused by natural occurrences, including bad weather, poor road conditions, etc. coupled with promises made, contribute to the industry's communication problems. While many issues were discussed, conversations focused on three areas:

- Promises made;
- Misconceptions and miscommunication by audience; and
- Suggestions for improved communication.

Promises made

Participants' comments reveal that many of the industry's communication problems begin with unsubstantiated pickup and delivery promises. While each audience has a unique role in the shipping process, all of them share a commonality—all feel the burden of promises made by someone else. Regardless of whether a shipper, carrier/broker or driver refuses a job, shippers feel responsible to receivers; carriers, brokers and dispatchers feel responsible to shippers; and drivers feel responsible to carriers. A scenario shared by most groups follows:

- Shippers' or carriers' sales personnel promise delivery of the product to receivers/shippers without confirming product availability. In many instances, confirmed participants and traffic personnel are compelled to meet receiver/sales demands. As a result, they communicate the importance of a pickup/delivery to carriers/dispatchers.
- In order to keep the business, carriers, brokers and dispatchers make promises to shippers; and
- Promises are fulfilled by drivers.

As a result, dispatchers agreed that shippers ignore the details, including if a driver's HOS have been violated.

Telling a shipper that a shipment is possible and then not following through, ultimately ends in trouble for the carrier, everyone agreed. Additionally, dispatchers' comments revealed that tight schedules and delays go hand-in-hand and, all too often, the problems are discovered too late for adjustments to be made. Even in such situations, however, dispatchers agreed that a great deal of respect is gained by telling shippers the truth.

- **Carrier/brokers:** Similar to the dispatcher groups, carrier/brokers complained of poor communication between internal and external (shippers) sales personnel and themselves. A sales person's promise to a shipper forces a carrier to make a choice between meeting shipper demands and meeting carrier and driver capabilities. More open communication is needed between traffic and sales departments, participants said, to better ensure efficient pickup and delivery of freight.

As stated earlier, it is not uncommon for carriers to wait while a shipper's product is being completed. Waiting is due in part to a lack of communication between a shipper's sales and production offices. Carriers are expected to make up the time lost, regardless of the fact that the delay was caused by a shipper, confirmed many participants.

As a result of keeping the receiver's goals at the forefront, there is tremendous pressure on carriers to deliver on time and this is communicated to carriers. Carrier/brokers also think that shippers do not care about how the shipment is delivered, nor are they concerned with planning for delays.

- **Shippers:** A shipper's sales personnel make pickup and delivery promises without checking if jobs are feasible. Delays occur, they said, because one part of a company is not talking to another part of the company.

Since the pressure to pick up and deliver can be extremely intense, shippers prefer to learn about carrier delays as soon as they occur so scheduling adjustments can be attempted. A reason why carriers do not notify shippers of delays in a timely fashion is because a carrier's desire to keep a shipper's business becomes more important than alerting the shipper of the delay, participants said. In some cases, carriers do not notify the shipper of delays until it is too late to adjust a schedule. If a carrier's delays are honest ones, the carrier would be used again.

Participants feel there is a significant "disconnect" among parties involved in shipping freight and problems do not seem easily rectified. What is clear, however, confirmed all groups, is that a work environment becomes stressed when competition, tight schedules, JIT, appointments, delays, misconceptions and miscommunication permeate a job.

Likewise, as stated in Section 3.112, some dispatchers are required to go on trucks every 6 months so they can better understand what drivers experience. As long as communication lines remain open, problems might be rectified, asserted many groups.

3.41 Independent drivers

Independent drivers focused on two areas of communication:

- The relationship between dispatchers and drivers and how information is communicated; and
- Independent drivers have little protection against “industry abuses.”

The dispatcher-driver relationship and how information is communicated

Independent drivers focused on their relationship with dispatchers and brokers. Dispatchers and brokers accept, reject and dispatch jobs to drivers. They are the point of contact for drivers in most circumstances. From the drivers’ perspectives, dispatchers and brokers are the responsible parties in the shipping process and blame is placed on them when a driver believes that schedule requirements are unreasonable. Said a driver, “You don’t put [the responsibility]...on the shipper. You put it on the broker or the dispatcher because they’ve accepted this job, because they’ve accepted something that they already knew was impossible to do.” While the role of both parties was discussed among independent drivers, there was greater emphasis on dispatchers.

All drivers agreed that communication between dispatchers and drivers is key to the shipment of freight, because most drivers do not talk directly to shippers. While this is true, participants said they receive mixed messages from dispatchers such as, “Some companies will tell you to be safe, don’t do this, don’t do that, but DON’T BE LATE!” Dispatchers must be benefitting from these rush jobs; why else would they be placing the pressure on drivers to deliver, participants said.

Dispatchers also say, “let’s get the job done, but let’s not make it look like we did anything wrong,” noted a driver. Some dispatchers, they said, talk in code with drivers when pickup and deliveries might require a driver to do something illegal.

One driver said that if a dispatcher says “call me” rather than using a satellite or computer communication device, then the driver knows that the dispatcher wants to tell him something off-the-record. Carriers do not want drivers to do anything illegal but dispatchers want the freight to arrive on time. As a result, drivers are left feeling as if they have to make a choice between safety and completing a job as a company requests.

Carriers have a way of punishing drivers if they do not perform as a company asks, said participants. Some of the larger companies let drivers sit for 24 hours and then dispatch jobs to them that will not be loaded for another 24 hours. This led drivers to believe that, “the man behind

Carrier traffic departments and sales personnel

All participants complained about sales personnel who communicate promises to shippers. One driver noted that his company's sales person tells shippers that he can ship products better and cheaper than other carriers. Delivery promises are made before the product is even completed. "The minute [the dispatcher] tells [a driver]...to go and pick up a load...[sales personnel]...are calling Massachusetts saying, '8:00 tomorrow morning, no problem.' [The driver]...doesn't even have a box on his truck yet, and the appointment is already made." Drivers are then responsible for keeping the promises. Carrier-employed drivers agreed that there seems to be little protection, aside from being a member of a union, from the tight schedules and delays that can occur after these promises are made. Drivers concluded that a grace period should be factored into the pickup and deliveries.

Carrier-employed drivers receive mixed messages

Carrier-employed drivers contend with the double message of moving the product safely but quickly to its destination. "[The] boss tells me to get a load there as-soon-as-possible, but in a safe manner. Does that make a lot of sense?" asked a participant. While carriers do not want their drivers to break the law, many condone this practice by providing cash incentives for ensuring quick delivery of freight, participants said. One driver got a \$500 bonus for carrying a load from Riverside, California to Philadelphia, Pennsylvania in 59 hours. This was total time on the road. He received his bonus for getting the load to Philadelphia on time.¹⁰ "You get an incentive here and there—a little bonus, a kickback. You might get a couple of days...[at home]...; there are all kinds of perks." Drivers confirmed that nothing shows on paper. Such practices led some drivers to believe that while their job is important, they are taken advantage of whenever possible. Concluded one driver, "Truck drivers are like whores. [Carriers]...use you up and throw you away when they're done with you."

3.43 Dispatchers

Participants confirmed that successful shipment of freight depends on effective communication between parties involved in the shipping process. "It takes years to build a reputation and 30 seconds to flush it down the toilet," confirmed a participant, and close communication is important when a shipment is tight and unexpected delays—bad weather conditions, rerouting problems and equipment breakdowns—interfere with a schedule. Unlike other groups who talked about relationships outside of their own experience, e.g., the relationship between traffic and sales from a carrier-employed driver perspective, dispatchers placed themselves in pivotal roles with other parties involved in shipping freight. As a result, dispatchers emphasized three areas. Communication between:

- Internal sales departments and dispatchers;

¹⁰ The \$500 bonus was given to the driver by the carrier's owner who apparently obtained the money from a shipper or the receiver.

Shippers and dispatchers

Critical to the shipping process is the need for honesty and open communication with shippers, participants said. At the first sign of trouble, the carrier needs to notify the shipper who might be able to make schedule adjustments. If dispatchers are given ample notice of delays from their drivers, they can appropriately alert shippers. Confirmed a dispatcher, "If you show up ...two hours late and don't call, forget it. You gain a great deal of respect by telling people what happened. At least they know [the freight...is coming as opposed to hanging out there in limbo.]"

Dispatchers confirmed that making false promises to shippers is the worst thing dispatchers can do. "I can either meet [shipper] requirements or not. If I can't meet their requirements, here's what I can do for them. If that's good enough, I still get the load, but the long and short of it is that by lying to customers..., your reputation goes down the tubes."

All too often, dispatchers may not be notified when there is a problem until the freight is being picked up or delivered. At that point, it also may be too late to modify a schedule. If there is a possibility of a driver meeting schedule requirements, even if he is delayed, the dispatcher may hesitate to notify the shipper because he knows that the shipper might use another carrier if he discovers that a delay is eminent. As a dispatcher said, the industry has created its own problems by not sticking together—all carriers know that the competition can easily take business away.

3.44 Carrier/brokers

Carrier/brokers emphasized three areas in their discussions. Communication between:

- Dispatchers and drivers;
- Traffic and sales personnel; and
- Carriers and shippers.

Dispatchers and drivers

Efficient delivery of freight depends on mutual respect between drivers and dispatchers. Said one participant, "[My dispatchers...have the driver's concerns at-heart. They know him, they know about his family..., the chemistry is there...]" As a result, concluded another carrier/broker, "A good dispatcher...is respected [by]...drivers [because they know that] he will take care of them. That's really key for a good operation." Similar to dispatcher comments, participants said they are not in the trucks with the drivers and that a dispatcher must have a comprehensive view of his drivers so he can more accurately meet shipper and driver demands. Said a participant, "[A dispatcher] sees a lot of deliveries off every day and has to keep track of all his equipment...Our drivers have learned to like him a lot; they work well with him; he works well with them. He needs to know their hours available every day so he can work them properly, get them in and back off the road on time...It's a big job, it's well-recognized, and it should be." A good dispatcher, participants concluded, would not demand that a driver adhere to an unrealistic schedule.

- Carriers and shippers;
- Traffic and shipper operations (production and sales departments); and
- Traffic and receivers.

Similar to carrier/broker groups, the shippers represented traffic or management operations departments. Their perspective on the shipping process and the relationships that make it work come from a management/traffic orientation.

Carriers and shippers

The successful shipment of freight depends on a strong relationship between a shipper and the carrier(s) that support his efforts. There was a consensus among all participants that carrier(s) should be frank and honest about delays and scheduling feasibility. "...I would rather have...carrier(s)...be honest— [and tell me] the best [thing] that could possibly be done in these hours...", a participant said. "I'd rather know up front...if a carrier can't deliver, I get upset if [he]...waits until the last minute [to call me]," concurred another shipper. A participant stated that even with tight schedules, safety spots are built in for delays. Participants acknowledged that the heavy use of JIT, appointments and tight schedules require close communication. The tighter the schedule, the more critical communication becomes. As long as communication channels are open, the shipping process flows more easily, concluded participants.

While open communication is critical, participants also acknowledged that it may cost a carrier business. A shipper confirmed that she ships freight at the last minute and if a carrier tells her that a schedule cannot be met, she will find another carrier who can. This is where a dilemma arises—if a carrier does not want to lose the business, he will do his best to meet schedule requirements. For example, if a carrier's equipment breaks down and the shipper is not notified about the problem, the driver still tries to meet the schedule, participants agreed. Additionally, carriers who want to keep a shipper's business, "...don't tell you, 'I don't have the equipment. Call me on the next load,'" said a participant.

Shippers had two responses to this dilemma:

- Many schedules can be adjusted if shippers are given ample notice. If delays are honest ones, the carrier will be used again. While this may be true, as one participant confirmed, "I don't think the drivers [and carriers] think the shippers would be fair to them."
- Shippers also confirmed that they "...can either accept the delay[s] or try to find another carrier..."

All shippers stated that they communicate with the carrier's dispatcher, sales personnel and/or the terminal manager when confirming or changing the details of a schedule. They do not talk directly to drivers and changes are communicated through a carrier's dispatcher to drivers. Since drivers are not in direct communication with shippers, there is always the possibility of losing important information that may be pertinent to meeting deadlines, they said. As a result, participants affirmed

now attend the carrier's operational meetings so that they can better understand the parameters of shipping freight from one point to another. Sales people need to know what the ramifications are of promising a delivery to a customer, concluded participants. "We've done our best to educate our inside sales force, don't promise anybody anything unless you call us," said a shipper.

Traffic and receivers

Finally, shippers concurred that receivers do not know what are realistic or unrealistic transit times and distances. They pass on their impractical and unreasonable expectations to shippers and shippers are asked to meet their needs. Said one participant, "...That's the problem you're dealing with. Most of them have that mind-set." Shippers need to educate receivers/customers about distances and travel times. Participants acknowledged that they set limits on their receivers and have refused to deliver shipments that place the shipper in vulnerable positions. While this is true, participants said that some shippers will meet receiver demands, regardless of the circumstances, because they need the money. A shipper concluded, "We know what we're doing, but how about the ones that don't."

In conclusion, given the fact that focus group and participants are self-selected, an education campaign that acknowledges the pressures that all shippers are under and clarifies effective strategies on dealing with those pressures, might be appropriate.

CHAPTER 4: ADDITIONAL FINDINGS

A number of topics were discussed across most groups that did not directly correspond to the major subject headings of this report. While some of the findings do not necessarily reflect “shipper involvement,” it is important to examine these issues, however briefly. According to participants, these concerns directly relate to problems associated with scheduling deliveries, loading and unloading, industry pressures and communication challenges.

Topics addressed were:

- The adequacy of driving schools to provide training; and
- Related issues
 - Tracking the HOS;
 - Log books; and
 - Meaning of rest.

Unlike other sections of this report, there may not have been enough data in some instances to subdivide the information by audience. As a result, “Tracking the HOS” and “The meaning of rest,” subsections do not have individual audience analysis.

4.1 The adequacy of driving schools to provide training

General conclusions

Most participants expressed dissatisfaction with the level and amount of training young drivers receive from driving schools. Schools that are owned and operated by large carriers, they said, cause most of the problems. Large carriers entice potential new drivers with a promise of paying for school and steady employment. In many cases, the two to three weeks of training they provide does not adequately prepare drivers for the challenges they will face on the road.

Participants said that these new drivers may be ill-prepared to:

- Handle a large vehicle;
- Route a trip;
- Manage time on and off the road; and
- Accurately complete log books and other paper work.

Some participants noted that some student drivers only spend 10 hours driving behind the wheel.¹¹ Independent drivers agreed that this can be very dangerous. Noted one driver, "Just because you can get behind a wheel of a truck, change the gears and drive, does not make you a truck driver."

4.12 Carrier-employed drivers

Similar to the independent drivers, carrier-employed participants recalled story after story of training schools enticing potential young drivers with promises of steady income. Said a participant, "I've seen larger companies at welfare, social security and unemployment [offices] tell a person they'll give him a \$1000 to go to their school. After two weeks of training they are out on the road." Participants confirmed that the training these new drivers are receiving in some cases is insufficient. Many of the larger carriers place two trainees in the same truck. Some drivers called this, "...putting dumb and dumber in the same truck. They have maybe two or three weeks with a trainer..."

Carrier-employed drivers also stated that many new driving school graduates are indebted to their carriers because the carrier has paid for their schooling. As stated earlier, new drivers are at an economic disadvantage. "Rookies coming out of those training schools...they've got to take anything to pay those loans back, then they've got to try to feed their families, so they've got to accept almost everything and anything," said a participant. Participants also confirmed that large carriers are more prone to hire new drivers and to take advantage of them. Such statements as, "Most of your bigger over-the-road trucking companies...they get the trainees, they know that they can abuse them," were heard in both carrier-employed driver groups.

4.13 Dispatchers

Dispatchers focused on the level of training and experience of new drivers. The dispatchers compared those drivers who "have driving in their blood" because their parents have been drivers, to those individuals coming out of driving schools. Driving school graduates, they said, are much more difficult to train because they lack practical experience. "The younger drivers who have the background are a lot easier to deal with. The drivers...who come out of driving school...don't have a clue. [They are as] green as all get-out [and] trying to train them...is very difficult sometimes," said a dispatcher. The dispatchers concurred that at least two years of driving experience is needed in order to be comfortable with the challenges a driver faces. It takes five years of driving experience to be considered "seasoned."

¹¹ The Professional Truck Driver Institute of America, a national, non-profit organization which certifies training programs offered by truck driver training schools, requires a minimum of 44 hours behind the wheel training for its program. The Truckload Carriers Association assumed the management of the PTDIA on July 1, 1996.

“making a run” outweighs the potential cost, most drivers concurred. This issue is discussed further in Section 4.22 Log Books.

Dispatchers said they would never knowingly dispatch a driver who was out of hours. A dispatcher confirmed that if he tells a driver who has completed his HOS to accept a job, then the dispatcher is held responsible for the entire load, including the fines that may be incurred. “If a driver tells you that he is out of hours and you order him to take that load, then you’ve just assumed the responsibility to take that load,” said a participant. Another dispatcher confirmed, “The owner of my company goes to every safety meeting and tells drivers that if I tell them to run over hours he wants to know and then I’m out the door.”

Dispatchers confirmed that money can be the incentive for drivers to violate their HOS. A dispatcher said, “[A promise of a bonus could]...make people drive haphazardly as opposed to people operating in a safe and efficient manner...The incentive scenario is offered to us as a carrier to give to the driver. I don’t want to mess with that. The shipper might give the driver \$50.00 extra.” Another dispatcher said, “I would rather pay a driver in safety bonuses, rather than paying him a bonus for being there on time. Give him the safety bonus because he didn’t run.”

HOS violations were taken seriously by all carrier/broker participants. Said one participant, “It matters 100 percent to us...It won’t be tolerated, period. We care, and want to keep... good, core driver[s].” What is really scary, as one participant noted, was to see drivers who look as if they are obviously out of hours while they are still en route. “Some of these guys comin’ in...are scary...[They] look really strung out,” noted the participant.

Shippers concluded that keeping track of drivers’ HOS was not their responsibility. Said a shipper, “I don’t hire drivers. I hire trucking companies. If a trucker doesn’t have the number of hours, then he shouldn’t be driving. It’s the carrier’s responsibility if the driver doesn’t have enough hours.” Another participant said, “I would never know if [a]...driver is complying with the HOS. I don’t want to have to check that either.” While this is true, shippers acknowledged the importance of hiring carriers that were reliable and trustworthy. “The biggest word is liability,” a participant said. “You don’t want a carrier that doesn’t serve the best interest of the company.” Other shipper requirements included:

- “[I’m looking for a]...good clean rig—a nice lookin’ piece of equipment [and] no problems.”
- “I want a copy of the CDL and insurance [papers]. I’ve turned down drivers [who don’t have this documentation].”

Specific findings across most groups related to HOS violations included:

- Tracking the HOS;

In fact, log book abuse segues into many of the topics addressed in this report—appropriate documentation of drivers' loading and unloading responsibilities; lack of communication around HOS violations; waiting time documentation; and the conflicting pressure that drivers and carriers feel in either meeting shipper demands or staying legal.

Two problems related to log books emerged across most groups:

- Drivers have difficulty tracking their hours; and
- Falsification of log books and keeping duplicate logs are common.

Because there are so much data on the subject by target audience, this section will be divided according to the audience. Shippers did not place significant emphasis on log book violations and a subsection is not necessary.

4.221 Independent drivers

Many drivers said that while they are never told verbally or in writing to keep more than one log book, the schedule of shipments implies that more than one log is needed. This is why some drivers call log books comic books. Said a participant, "I've been told to do 'creative logging' but not to log illegal...[These] are downright illegal logs and that's what you've got to do part of the time to meet some of these schedules that these companies want you to do. There's no other way..."

Independent drivers said that some dispatchers were unsympathetic when they are told that a driver is out of hours. A driver said, "...I told my dispatcher I was tired and out of hours, he told me to throw the log book away and get another one." Another driver added, "[My dispatcher said, 'You can't be out of hours, there are plenty of logbooks for sale at the truck stops.'"]"

Keeping extra log books also has financial implications. The more hours a driver has available, the more money he can make. While the following statement from a driver appears to be extreme, the sentiment behind his words—financial pressures that driver's face may force them to violate their HOS by falsifying a log—were expressed by many drivers. "I've been caught with two and three [log books before], and I've been fined...too,...When 70 hours go by, to me that's three and 1/2 days and I've three and 1/2 more days to go. What am I gonna do? I can make money...My new truck cost me \$162,000.00. I've got to pay for it. I've got to put the miles on that bad boy. The only way to do that [is] by lying..." said a driver.

Another driver concluded that HOS are irrelevant; 10 hours of driving per day was enough, he said, and what truly matters is a driver's rate. He concurred, "...If you ran for a decent rate, you could run your 10 hours, get your 8 hours sleep and pick up and run again..."

4.222 Carrier-employed drivers

All carrier-employed drivers talked about problems associated with log books in relation to fulfilling tight schedules. All knew how log information is confirmed and what the repercussions are for falsifying or having duplicate log books. "Our company checks our books every single day. We

If a log book is not filled out correctly, the truck can be pulled off the road. If a driver is within four hours of his last duty status, he will be allowed to complete his log book. Sometimes a law enforcement official will give a driver a warning or the driver can be fined \$500. In some cases, dispatchers said, drivers are expected to pay the fines.

4.224 Carrier/brokers

Both carrier/broker groups said that they would never tell drivers who were out of hours to drive. Likewise, they would never condone the falsification of log books. Even with these acknowledgments, participants still called a log book the “Liar’s Log.” Said a participant, “...There are so many ways you can go around [being truthful on logs]. Up at the top it says, ‘Everything on this document must read true and correct.’ It doesn’t mean that it’s true and correct, it just means that they can’t prove it any different.”

A weak point in the system, carrier/brokers said, is a dispatcher who does not ask a driver where he is on hours. As one participant noted, “You’ve got a driver who’s a hustler standing in front of you and [you] don’t even think to ask, so you say, ‘Hey, I’ve got this load, where are you on your hours...[he only has two hours left]. He shakes his head and says, ‘I don’t know.’ He’s out on a five or six hour run and he had two hours left. He didn’t know himself.”

It is the dispatcher’s responsibility to keep track of the . It is the company’s responsibility to maintain records on . Most companies have quality control systems in place that verify a driver’s log. Said a participant, “[The driver]...turns in a sheet of what he did...and a copy of his log.” If a driver violates his HOS, his carrier can be penalized.

Participants said if a driver is in violation of hours, and a submitted log does not reflect this fact, the carrier now has a falsified log. A carrier may send the driver a letter, pointing out the error. The carrier will turn the log back to the driver and ask him to correct the problem. This is the point when log book violations may not be taken seriously. Said a participant, “For all intents and purposes, this driver should not be dispatched until the log is corrected. Of course you’ve got 15 loads there, and you’ve got two guys to handle it, [and you ask] ‘Did you do that log yet?’ ‘No.’ ‘Well make you sure you give it back to me when you get back.’”

Participants stated that HOS violations were not limited to long distance drivers. For example, if a driver drives within a 100 air-mile radius of the normal work reporting location, he does not need to keep a log book, a participant said. The 100 air-mile radius exemption states that the driver cannot work more than 12 hours at a time.¹² One driver said that a freelancer or a “casual driver” who drives within these parameters could presumably drive for a full 24 hours and still remain legal. (While this account was misstated by participants, it is important to note that carrier/brokers were under the impression that this practice was acceptable.) Since no logs are being kept to track freelance jobs, participants said, hours are not being verified and there is little accountability.

¹² See Section 395.1 (e) in Appendix C.

hours might be logged as off-duty, but in reality, the driver might be waiting in line for a load, loading or unloading.

5.2 Loading and Unloading

Problem identification

- Loading and unloading freight can cause considerable delays because drivers can be forced to:
 - Wait for freight, product and/or proper equipment;
 - Load and unload their freight; and
 - Adhere to union requirements that dictate when freight can be loaded or unloaded.
- There are interrelated challenges associated with loading and unloading freight. With the advent of JIT delivery, less product is ready to be shipped when it is needed, said all groups. As a result, trucks are kept waiting as product is being completed. Appointments also impact how quickly freight is loaded and unloaded. Delays at the loading and unloading stage(s), can cause other delays and problems for the rest of the shipping process.

Personnel involved

- The data do not indicate how extensive driver loading/unloading problems are. However, among drivers, dispatchers and carriers, the appropriateness of drivers loading/unloading freight was a serious issue. These groups noted that a significant amount of time is spent loading/unloading freight and this responsibility takes a driver away from his primary job—driving a truck.
- While drivers and dispatchers said that drivers should not have to load and unload their freight, in some cases, drivers have no choice but to do the work. Many drivers were frustrated with this aspect of their jobs because:
 - On numerous occasions, drivers are not compensated for loading and unloading freight.
 - Drivers loading and unloading are not physically resting (though they are taking a respite from driving).
 - Lumpers, individuals hired by shippers, receivers or drivers, are often used to load and unload freight; still, drivers are not able to rest because they must watch the lumpers.
- Some drivers are confused about how to document loading time, and a lack of uniform guidelines across the industry led many participants to ask, “Should loading/unloading time be counted as rest or work?”¹⁴

¹⁴ See Section 395.2 (5) Definitions in Appendix C.

- Better and tighter communication is critical to the effective shipment of freight, especially between:
 1. Drivers and dispatchers;
 2. Dispatchers and shippers; and
 3. Shipper and carrier sales personnel and their respective dispatchers/traffic departments.

Drivers and dispatchers

- Dispatchers must know their drivers well enough to accurately schedule pickups and deliveries.
- According to many drivers, the statement: “Get there safely, but DON’T BE LATE,” is commonly heard. This mixed message leads drivers to question what is more important, safety or time.
- Most drivers feel unprotected if they do not perform as a dispatcher asks; if carriers feel their job performance is inadequate, drivers can be forced to “sit and quit”—a powerful form of “punishment” that robs drivers of their livelihood. They said there is no entity to which complaints can be submitted when such abuses occur.

Dispatcher comments revealed that driver perceptions of being “starved out” are partially true. Drivers who complain too much and are consistently late for a pickup and delivery may not be called for prime jobs because keeping customers happy is a critical component of a dispatcher’s job.

Dispatchers and shippers

- If there is a possibility of a driver meeting schedule requirements, even if he is delayed, the dispatcher may hesitate to notify the shipper because he knows that the shipper might use another carrier if he discovers that a delay is imminent. All carriers know that the competition can easily take business away.
- Telling a shipper that a shipment is possible and then *not* following through, ultimately ends in trouble for the carrier. Even in such situations, a great deal of respect is gained by telling shippers the truth.
- Participants agreed that dispatchers should be honest, set limits and operate within the regulations. Promises should never be made unless they can be kept. A dispatcher’s ultimate goal is to keep the customer happy, but not at the expense of breaking the law or putting someone’s life in jeopardy.

- Manage time on and off the road; and
- Accurately complete log books and other paper work.

Once they graduate from school, said participants, new drivers are given unrealistic schedules that they are expected to fulfill.

Many larger carriers also operate driving schools. These companies run ads saying “no experience needed” and “training will be provided.” Participants felt that this makes for an easy recruitment mechanism, as well as a way for a new, young driver to be indebted to the carrier if his tuition has been paid for by that carrier. Since the pay for a beginning driver is low, that individual may be indebted for a long time.

The level of training new drivers receive from driving schools, participants said, is inadequate. Students spend time studying books rather than spending adequate training time behind the wheel. This can be very dangerous, agreed many of the drivers.

HOS violations

All participants agreed that HOS regulations are violated and some drivers keep multiple log books in order to *appear legal*, even though this practice is *illegal*. Many participants said that drivers need to keep multiple log books out of necessity. Some drivers attribute this practice to dispatchers and carriers who force them to accept jobs, regardless of their HOS status. Some dispatchers and carriers said they may have no choice but to ask a driver to complete a job if there is no one else. Other dispatchers said that keeping multiple log books is a product of poor planning on a driver's part.

Shippers concluded that keeping track of drivers' HOS was not their responsibility. While this is true, shippers acknowledged the importance of hiring carriers that are reliable and trustworthy.

According to the majority of participants, dispatchers and carriers take primary responsibility for tracking drivers' HOS. A participant from a carrier/broker group said that everyone has a quality control system in place. Some participants said that the primary responsibility for policing the industry comes from the carrier, not from DOT, and the carrier/broker participants take log book infractions seriously.

While keeping track of drivers' HOS is taken seriously, dispatchers also acknowledged the difficulty of keeping drivers within the HOS. The pressures they are under to deliver weigh heavily against keeping drivers legal. Dispatchers are responsible for procuring a driver to move freight; and the shippers and brokers do not want to hear, nor do they care about HOS problems, confirmed the dispatchers. As a result, a participant said, drivers may not tell a dispatcher that he is out of hours.

There was a general consensus among most groups that log books are not taken seriously. Log books are also known as “liars' logs” or “comic books,” said drivers, dispatchers and carrier/brokers. While log book abuse is an enforcement issue, drivers, dispatchers and carrier/brokers presented extensive, conflicting information about their use.

7. Alternative strategies, e.g., innovative pricing and planning initiatives that help reduce the pressure on drivers caused by impossible schedules, have been used by some motor carriers. These strategies need to be explored by others.
8. Truck driver fatigue awareness/countermeasures information and training sessions need to be made available to those involved in the scheduling and delivery of freight, particularly dispatchers who interface directly with drivers and set their schedules.

Individual Company Initiatives:

1. Communication and coordination at all levels *within* a company need to be improved in setting appropriate delivery schedules. Personnel need to meet to discuss the challenges they experience and to identify strategies that they employ, or could employ, to cope with the pressures of the industry. Carrier and shipper sales personnel should work closely with dispatchers before pickup and delivery schedules are set.
2. Shippers must educate receivers about realistic transit times.
3. Focus group participants stated that drivers are frequently reluctant to alert dispatchers when delays occur. Management should work with commercial drivers and dispatchers to facilitate better communication between them, and thus encourage rescheduling of delayed deliveries in a way that will reduce the time pressure on the driver.
4. Carriers need to work with their dispatchers to educate them about driver needs and problems. Some motor carriers require their dispatchers to ride with drivers on a recurring basis. This and other strategies could help eliminate misunderstandings and should be explored.

Government Initiatives:

Pending completion and final approval of this study, we anticipate that the FHWA will be considering recommendations like the following:

1. Explore with the Congress expanding Federal oversight of interstate shippers, receivers and others who ship freight by motor carrier.
2. Assess the need for any changes to the current treatment of driver on-duty, not driving time, pending the outcome of active studies on driver loading/unloading requirements and scheduling practices.
3. Convene a conference or symposium with representatives of the various parties involved in the shipping process to identify and assess potentially effective corrective actions that can reduce the level of driver HOS violations brought about by improper scheduling.

APPENDICES

- A. List of terms**
- B. References**
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- D. Driver screeners**
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APPENDIX A

List of Terms

List of Terms

| | |
|---|--|
| Broker | A person or company that arranges for the truck transportation of cargo belonging to others, for a percentage of the revenue, using carriers to provide the actual truck transportation. The broker does not assume responsibility for the cargo and usually does not take possession of the shipment. |
| Casuals | A driver who in any period of 7 consecutive days is employed or used as a driver by more than a single motor carrier. Also known as "intermittent" or "occasional" driver. |
| Common carrier | Prior to January 1, 1996, a company that provided for-hire truck transportation to the general public. The services offered and the prices charged were published in a public tariff and these were the only prices the common carrier could charge.* |
| Consignee/ Receiver | A person or company to whom articles are shipped. Officially, the legal owner of the cargo. |
| Consignor/Shipper | A person or company by whom articles are shipped and who is shown on the bill of lading as the shipper. |
| Contract carrier | Prior to January 1, 1996, a company that engaged in for-hire transportation of property under individual contract or agreement with one or a limited number of shippers, stipulating the services offered and the prices charged to each.* |
| Deregulation | Revisions or complete elimination of economic regulations controlling transportation. For example, the Motor Carrier Act of 1980 and Staggers Act of 1980 revised the economic controls over motor and rail carriers. |
| Detention (fee) | The compensation payable to a carrier of freight whose vehicle is delayed, as by failure to load or unload the freight within the time allowed. |
| Dispatcher | A person who schedules the pickup and delivery of freight |
| For-Hire Carrier | A company that provides truck transportation of cargo belonging to others for compensation. There are two types of for-hire carriers, common carriers and contract carriers. A company may be both a common carrier and a contract carrier.* |
| Hazardous Materials (Hazmat) | A substance or material that the Secretary of Transportation has determined may pose an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. |

APPENDIX B

References

APPENDIX C

Federal Motor Carrier Safety Regulations

§ 393.203 Cab and body components.

(a) The cab compartment doors or door parts used as an entrance or exit shall not be missing or broken. Doors shall not sag so that they cannot be properly opened or closed. No door shall be wired shut or otherwise secured in the closed position so that it cannot be readily opened. EXCEPTION: When the vehicle is loaded with pipe or bar stock that blocks the door and the cab has a roof exit.

(b) Bolts or brackets securing the cab or the body of the vehicle to the frame shall not be loose, broken, or missing.

(c) The hood must be securely fastened.

(d) All seats must be securely mounted.

(e) The front bumper must not be missing, loosely attached, or protruding beyond the confines of the vehicle so as to create a hazard.

§ 393.205 Wheels.

(a) Wheels and rims shall not be cracked or broken.

(b) Stud or bolt holes on the wheels shall not be elongated (out of round).

(c) Nuts or bolts shall not be missing or loose.

§ 393.207 Suspension systems.

(a) *Axles.* No axle positioning part shall be cracked, broken, loose or missing. All axles must be in proper alignment.

(b) *Adjustable axles.* Adjustable axle assemblies shall not have locking pins missing or disengaged.

(c) *Leaf springs.* No leaf spring shall be cracked, broken, or missing nor shifted out of position.

(d) *Coil springs.* No coil spring shall be cracked or broken.

(e) *Torsion bar.* No torsion bar or torsion bar suspension shall be cracked or broken.

(f) *Air suspensions.* The air pressure regulator valve shall not allow air into the suspension system until at least 55 psi is in the braking system. The vehicle shall be level (not tilting to the left or right). Air leakage shall not be greater than 3 psi in a 5-minute time period when the vehicle's air pressure gauge shows normal operating pressure.

§ 393.209 Steering wheel systems.

(a) The steering wheel shall be secured and must not have any spokes cracked through or missing.

(b) The steering wheel lash shall not exceed the following parameters:

| Steering wheel diameter | Manual steering system | Power steering system |
|-------------------------|------------------------|-----------------------|
| 16" or less | 2" | 4 1/2" |
| 18" | 2 1/4" | 4 3/4" |
| 20" | 2 1/2" | 5 1/4" |
| 22" | 2 3/4" | 5 3/4" |

(c) *Steering column.* The steering column must be securely fastened.

(d) *Steering system.* Universal joints shall not be worn, faulty or repaired by welding. The steering gear box shall not have loose or missing mounting bolts or cracks in the gear box or mounting brackets. The pitman arm on the steering gear output shaft shall not be loose. Steering wheels shall turn freely through the limit of travel in both directions.

(e) *Power steering systems.* All components of the power system must be in operating condition. No parts shall be loose or broken. Belts shall not be frayed, cracked or slipping. The system shall not leak. The power steering system shall have sufficient fluid in the reservoir.

PART 394—[RESERVED]**PART 395—HOURS OF SERVICE OF DRIVERS****Sec.**

395.1 Scope of rules in this part.

395.2 Definitions.

395.3 Maximum driving time.

395.7 [Reserved]

395.8 Driver's record of duty status.

395.10—395.12 [Reserved]

395.13 Drivers declared out of service.

395.15 Automatic on-board recording devices.

AUTHORITY: 49 U.S.C. 31133, 31136, and 31502; sec. 345, Pub.L. 104-59, 109 Stat. 568, 613; and 49 CFR 1.48.

SOURCE: 33 FR 19758, Dec. 25, 1968, unless otherwise noted.

§ 395.1 Scope of rules in this part.

(a) *General.* (1) The rules in this part apply to all motor carriers and drivers,

(h) *Sleeper berths.* Drivers using sleeper berth equipment as defined in §395.2 or who are off duty at a natural gas or oil well location, may cumulate the required 8 consecutive hours off duty, as required by §395.3, resting in a sleeper berth in two separate periods totaling 8 hours, neither period to be less than 2 hours, or resting while off duty in other sleeping accommodations at a natural gas or oil well location.

(i) *State of Alaska.* (1) The provisions of §395.3 shall not apply to any driver who is driving a commercial motor vehicle in the State of Alaska. A driver who is driving a commercial motor vehicle in the State of Alaska must not drive or be required or permitted to drive—

(i) More than 15 hours following 8 consecutive hours off duty;

(ii) After being on duty for 20 hours or more following 8 consecutive hours off duty;

(iii) After having been on duty for 70 hours in any period of 7 consecutive days, if the motor carrier for which the driver drives does not operate every day in the week; or

(iv) After having been on duty for 80 hours in any period of 8 consecutive days, if the motor carrier for which the driver drives operates every day in the week.

(2) A driver who is driving a commercial motor vehicle in the State of Alaska and who encounters adverse driving conditions (as defined in §395.2) may drive and be permitted or required to drive a commercial motor vehicle for the period of time needed to complete the run. After he/she completes the run, that driver must be off duty for 8 consecutive hours before he/she drives again.

(j) *State of Hawaii.* The rules in §395.8 do not apply to a driver who drives a commercial motor vehicle in the State of Hawaii, if the motor carrier who employs the driver maintains and retains for a period of 6 months accurate and true records showing—

(1) The total number of hours the driver is on duty each day; and

(2) The time at which the driver reports for, and is released from, duty each day.

(k) *Travel time.* When a driver at the direction of the motor carrier is travel-

ing, but not driving or assuming any other responsibility to the carrier, such time shall be counted as on-duty time unless the driver is afforded at least 8 consecutive hours off duty when arriving at destination, in which case he/she shall be considered off duty for the entire period.

(l) *Agricultural operations.* The provisions of §395.3 shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation:

(1) Is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies, and

(2) Is conducted during the planting and harvesting seasons within such State, as determined by the State.

(m) *Ground water well drilling operations.* In the instance of a driver of a commercial motor vehicle who is used primarily in the transportation and operations of a ground water well drilling rig, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

(n) *Construction materials and equipment.* In the instance of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

(o) *Utility service vehicles.* In the instance of a driver of a utility service vehicle, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

[57 FR 33647, July 30, 1992, as amended at 58 FR 33777, June 21, 1993; 60 FR 38748, July 28, 1995; 61 FR 14679, Apr. 3, 1996]

§395.2 Definitions

As used in this part, the following words and terms are construed to mean:

Adverse driving conditions means snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known

Transportation of construction materials and equipment means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between mobilization of equipment and materials to the site to the final completion of the construction project) within a 50 air mile radius of the normal work reporting location of the driver. This paragraph does not apply to the transportation of material found by the Secretary to be hazardous under 49 U.S.C. 5103 in a quantity requiring placarding under regulations issued to carry out such section.

Twenty-four-hour period means any 24-consecutive-hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

Utility service vehicle means any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

(2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

[57 FR 33648, July 30, 1992, as amended at 59 FR 7515, Feb. 15, 1994; 59 FR 60324, Nov. 23, 1994; 60 FR 38748, July 28, 1995; 61 FR 14679, Apr. 3, 1996]

§ 395.3 Maximum driving time.

(a) Except as provided in §§ 395.1(b)(1), 395.1(f), and 395.1(i), no motor carrier shall permit or require any driver used

by it to drive nor shall any such driver drive:

(1) More than 10 hours following 8 consecutive hours off duty; or

(2) For any period after having been on duty 15 hours following 8 consecutive hours off duty.

(b) No motor carrier shall permit or require a driver of a commercial motor vehicle to drive, nor shall any driver drive, regardless of the number of motor carriers using the driver's services, for any period after—

(1) Having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or

(2) Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

[57 FR 33649, July 30, 1992, as amended at 60 FR 38748, July 28, 1995]

§ 395.7 [Reserved]

§ 395.8 Driver's record of duty status.

(a) Except for a private motor carrier of passengers (nonbusiness), every motor carrier shall require every driver used by the motor carrier to record his/her duty status for each 24 hour period using the methods prescribed in either paragraph (a)(1) or (2) of this section.

(1) Every driver who operates a commercial motor vehicle shall record his/her duty status, in duplicate, for each 24-hour period. The duty status time shall be recorded on a specified grid, as shown in paragraph (g) of this section. The grid and the requirements of paragraph (d) of this section may be combined with any company forms. The previously approved format of the Daily Log, Form MCS-59 or the Multi-day Log, MCS-139 and 139A, which meets the requirements of this section, may continue to be used.

(2) Every driver who operates a commercial motor vehicle shall record his/her duty status by using an automatic on-board recording device that meets the requirements of § 395.15 of this part. The requirements of § 395.8 shall not apply, except paragraphs (e) and (k) (1) and (2) of this section.

(iii) The 24-hour period starting time must be identified on the driver's duty status record. One-hour increments must appear on the graph, be identified, and preprinted. The words "Midnight" and "Noon" must appear above or beside the appropriate one-hour increment.

(9) *Main office address.* The motor carrier's main office address shall be shown on the form containing the driver's duty status record.

(10) *Recording days off duty.* Two or more consecutive 24-hour periods off duty may be recorded on one duty status record.

(11) *Total hours.* The total hours in each duty status: off duty other than in a sleeper berth; off duty in a sleeper berth; driving, and on duty not driving, shall be entered to the right of the grid, the total of such entries shall equal 24 hours.

(12) *Shipping document number(s) or name of shipper and commodity* shall be shown on the driver's record of duty status.

(g) *Graph grid.* The following graph grid must be incorporated into a motor carrier recordkeeping system which must also contain the information required in paragraph (d) of this section.

(h) *Graph grid preparation.* The graph grid may be used horizontally or vertically and shall be completed as follows:

(1) *Off duty.* Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period(s) of time when the driver is not on duty, is not required to be in readiness to work, or is not under any responsibility for performing work.

(2) *Sleeper berth.* A continuous line shall be drawn between the appropriate time markers to record the period(s) of time off duty resting in a sleeper berth, as defined in §395.2. (If a non-sleeper berth operation, sleeper berth need not be shown on the grid.)

(3) *Driving.* A continuous line shall be drawn between the appropriate time markers to record the period(s) of driving time, as defined in §395.2.

(4) *On duty not driving.* A continuous line shall be drawn between the appropriate time markers to record the period(s) of time on duty not driving specified in §395.2.

(5) *Location—remarks.* The name of the city, town, or village, with State abbreviation where each change of duty status occurs shall be recorded.

NOTE: If a change of duty status occurs at a location other than a city, town, or village, show one of the following: (1) The highway number and nearest milepost followed by the name of the nearest city, town, or village and State abbreviation, (2) the highway number and the name of the service plaza followed by the name of the nearest city, town, or village and State abbreviation, or (3) the highway numbers of the nearest two intersecting roadways followed by the name of the nearest city, town, or village and State abbreviation.

(i) *Filing driver's record of duty status.* The driver shall submit or forward by mail the original driver's record of duty status to the regular employing motor carrier within 13 days following the completion of the form.

(j) *Drivers used by more than one motor carrier.* (1) When the services of a driver are used by more than one motor carrier during any 24-hour period in effect at the driver's home terminal, the driver shall submit a copy of the record of duty status to each motor carrier. The record shall include:

(i) All duty time for the entire 24-hour period;

(ii) The name of each motor carrier served by the driver during that period; and

(iii) The beginning and finishing time, including a.m. or p.m., worked for each carrier.

(2) Motor carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty prior to beginning work for the motor carriers.

(k) *Retention of driver's record of duty status.* (1) Driver's records of duty status for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month. Such records shall then be forwarded to the carrier's principal place of business where they shall be retained with all supporting documents for a period of 6 months from date of receipt.

(2) The driver shall retain a copy of each record of duty status for the previous 7 consecutive days which shall be in his/her possession and available for inspection while on duty.

NOTE: Driver's Record of Duty Status.

The graph grid, when incorporated as part of any form used by a motor carrier, must be of sufficient size to be legible.

The following executed specimen grid illustrates how a driver's duty status should be recorded for a trip from Richmond, Virginia, to Newark, New Jersey. The grid reflects the midnight to midnight 24 hour period.

APPENDIX D

Driver Screeners

SCREENER

DRIVERS

We are holding **confidential** discussions with professionals in the transportation field to find out what they think about the commercial driver hours of service issue.

My name is _____ and I would like to ask you some questions to see if you qualify to participate in one of our discussion groups with **COMMERCIAL DRIVERS**.

(NOTE: **IF RESPONDENT ASKS, THIS GROUP IS MADE UP OF ONLY DRIVERS**).

The groups will be held _____ and the discussion will last approximately two hours and is confidential. Participants will receive \$ 75 for their time.

1. Do you hold a valid Commercial Drivers License?

☐ No

Terminate

☐ Yes

If Yes, what type:

☐ Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds of GVWR.

Terminate if:

☐ Any single vehicle, or combination of vehicles, that does not meet the definition above, but that either is designed to transport 16 or more passengers including the driver, or is placarded for hazardous materials.

2. Are you currently employed:

☐ Full time

How many hours per week do you work?

☐ Part time

How many hours per week do you work?

Terminate if less than 20 hours

☐ Independent

NOTE: PLACE IN APPROPRIATE GROUP

3. Who is your current employer: _____

7. What type of vehicle do you drive?

- ☐ Straight truck
- ☐ Tractor/semi-trailer
- ☐ Double
- ☐ Triple
- ☐ Other (specific)

8. What type of freight do you typically carry most often?

- ☐ General freight
- ☐ Household goods
- ☐ Refrigerated
- ☐ Other (Please specify, terminate if people _____)

9. Are you paid: **Try to recruit a mix.**

- ☐ Salary
- ☐ By mile
- ☐ By load or percentage
- ☐ Combination_____

As I mentioned, the groups will be held on **(DAY/DATE)** at **(TIME)**. Will you be able to attend? We will send you a confirmation letter and map indicating the location and confirming the date and time of your participation. Thank you.

Name: _____

Mailing address: _____

Telephone numbers:

APPENDIX E

Driver Screener Summary

Screener Summary

Independent and Carrier-Employed Drivers Baltimore, MD

| | Independent Drivers | Carrier Drivers |
|--|---------------------|-----------------|
| Number of Participants | 7 | 8 |
| Are you currently employed? | | |
| Full Time | 3 | 8 |
| Part Time | 0 | 0 |
| Independent | 5 | 0 |
| Is your employer a: | | |
| Private Carrier | 0 | 0 |
| Exempt Carrier | 0 | 0 |
| Contract Carrier | 2 | 5 |
| Common Carrier | 4 | 4 |
| Are you an owner-operator? | | |
| No | 0 | 7 |
| Yes, how many trucks in your fleet? | 7 | 0 |
| 1 | 5 | 0 |
| 2 | 2 | 0 |
| Number of miles driven on an average day: | | |
| 200 miles or less | 0 | 0 |
| 200 - 500 miles | 5 | 7 |
| 500 - 750 miles | 2 | 1 |
| 750+ | 0 | 0 |

Screener Summary

Independent and Carrier-Employed Drivers St. Louis, MO

| | Independent Drivers | Carrier Drivers |
|--|---------------------|-----------------|
| Number of Participants | 5 | 6 |
| Are you currently employed? | | |
| Full Time | 5 | 6 |
| Part Time | 0 | 0 |
| Independent | 5 | 0 |
| Is your employer a: | | |
| Private Carrier | 0 | 0 |
| Exempt Carrier | 0 | 0 |
| Contract Carrier | 0 | 2 |
| Common Carrier | 1 | 4 |
| Are you an owner-operator? | | |
| No | 0 | 6 |
| Yes, how many trucks in your fleet? | 5 | 0 |
| 1 | 3 | 0 |
| 2 | 2 | 0 |
| Number of miles driven on an average day: | | |
| 200 miles or less | 1 | 0 |
| 200 - 500 miles | 2 | 4 |
| 500 - 750 miles | 2 | 2 |
| 750+ | 0 | 0 |

APPENDIX F

Moderator's Guides

Carriers/Brokers

Dispatchers

Drivers

Shippers

Moderator's Guide

Carrier/Brokers

I. Introduction

A. Purpose of Group

Hello. My name is _____ and I will be leading our discussion today. We'll be here about 2 hours talking about shipper involvement in commercial drivers hours-of-service issues. I'm a research consultant -- I don't work for any one company or organization. I do groups like this all over the country to find out what people think about different products, services, and ideas.

B. Ground Rules

In order to cover everything, we will have to stick to a few guidelines for keeping the discussion on track:

- Please speak one at a time in a voice at least as loud as mine. (Explain use of recording, observers.)
- Research is confidential, only first names are used in discussion and no names are used in the report.
- I want to hear from everyone during our discussion -- although you do not have to answer all the questions. I am also looking for equal "air time" for all.
- There are no right or wrong answers -- I am interested in everyone's opinions. I'm looking for different points of view.
- The results of the study are dependent upon the honesty of your responses -- so I hope that you will say what you really think or feel.
- There is a lot to cover, so please understand if I interrupt a discussion and move on to a different topic.
- There will be no smoking during the group. (Point out location of rest rooms and discuss any other administrative procedures for the facility.)

III. General Discussion

Let's go through all of these and rate each one as whether it is very important, somewhat important, or doesn't matter much.

1. Now I'd like to concentrate on one of the areas you've mentioned. Let's start by talking a little about what happens when your company bids on a job. Who is involved in the process? Who prepares the bid? Who is consulted?

2. Has your company ever turned down a job or chance to bid? For what reasons?

(Probe: unrealistic schedule, lack of drivers, etc.)

3. Once your company has been contracted to do the work, are you provided with any additional information that may affect the delivery schedule?

(Probe: change in delivery schedule)

4. I'd like to spend some time discussing the actual schedule of pickup and delivery of a shipment. Does the shipper always set the schedule? If not, who sets it?

(Probe: carrier, brokers, consignee, receiver)

5. What's your company's process for keeping the driver to the schedule? Who is involved? Who has input?

(Probe: role of dispatcher/pay system, driver, etc.)

6. Are any specific guidelines used for keeping to the schedule? What average speeds are used? What are quality control procedures?

(Probe: Who determines routes, time factors)

(Probe: Problems in loading/unloading: lack of equipment, union drivers first, etc.)

7. How do you handle a situation when one of the parties involved (shipper/dispatcher/driver, etc.) feels that a certain schedule is unrealistic? How is the issue resolved?

(Probe: Reschedule, stick with original schedule, find another driver, etc.)

14. Drivers are sometimes required to handle freight at a time when the hours-of-service rules say the driver should be resting. Who is applying this pressure? Is this the norm or the exception?
15. Some brokers, carriers, shippers and drivers develop contracts for the regular shipment of goods. Do contracts give the driver any protection from having to work excessive hours? If so, is this kind of contract actually enforced? Why/Why not? Who is in charge of enforcement?

(Probe: Is the industry so competitive that drivers are always pressed to work extra hours?)
16. How much does it matter if your drivers comply with hours-of-service rules? What are the pros and cons of complying?
17. Finally, let's talk about a few of the steps that have been proposed to decrease hours-of-service violations. For each one on the list, please tell me whether you think it could make a big difference or not -- and if not, why it wouldn't work or isn't practical.
 - A. Greater enforcement and penalties for these violations (applied to drivers)
 - B. Greater enforcement and penalties for these violations (applied to brokers, shippers, carriers, who impose unrealistic schedules on drivers)
 - C. Increasing the number of rest stops that can accommodate trucks
 - D. Paying drivers by the hour or on salary rather than by the mile or load or percentage
 - E. Increasing the rate of pay for drivers who are paid by the mile or load or percentage (would this make things better by giving drivers more base pay, or make things worse by giving more incentive to work extra hours?)
 - F. Finding a way to guarantee drivers that they do not have to help load or unload freight
 - G. Requiring the use of on-board devices to record driving times automatically
 - H. Changing the hours-of-service rules so that drivers get better rest
 - I. Other

VI. Wrap up

(Pass out participant information sheet).

Are there any other important issues on hours of service that we haven't discussed that you'd like to mention?

Thank you.

Moderator's Guide

Dispatchers

I. Introduction

A. Purpose of Group

Hello. My name is _____ and I will be leading our discussion today. We'll be here about 2 hours talking about shipper involvement in commercial drivers hours-of-service issues. I'm a research consultant -- I don't work for any one company or organization. I do groups like this all over the country to find out what people think about different products, services, and ideas.

B. Ground Rules

In order to cover everything, we will have to stick to a few guidelines for keeping the discussion on track:

- Please speak one at a time in a voice at least as loud as mine. (Explain use of recording, observers.)
- Research is confidential, only first names are used in discussion and no names are used in the report.
- I want to hear from everyone during our discussion -- although you do not have to answer all the questions. I am also looking for equal "air time" for all.
- There are no right or wrong answers -- I am interested in everyone's opinions. I'm looking for different points of view.
- The results of the study are dependent upon the honesty of your responses--so I hope that you will say what you really think or feel.
- There is a lot to cover, so please understand if I interrupt a discussion and move on to a different topic.
- There will be no smoking during the group. (Point out location of rest rooms and discuss any other administrative procedures for the facility.)

III. General Discussion

Let's go through all of these and rate each one as whether it is very important, somewhat important, or doesn't matter much.

1. Now I'd like to concentrate on one of the areas you've mentioned. Let's start by talking a little about the process involved in accepting a job. How many employees are involved in the process? Does the process involve more than one division? Who are the point persons involved? What are their roles? At what point do you become involved?

(Probe: sales division versus transportation division)

(Probe: sales manager versus traffic manager, dispatcher, coordinator)

2. How do you feel about the process you just described?

(Probe: process runs smooth or not: sales promises something that is not in stock, etc.)

3. Does your company have a contract in place with a specific shipper or broker or does your company respond to bids? Who prepares these bids? Are you consulted? What information is presented to you in order to respond?

(Probe: cost, delivery time, etc.)

4. Has your company ever turned down a job or a chance to bid? For what reasons?

(Probe: unrealistic schedule, lack of drivers, equipment, etc.)

5. Once your company has contracted for shipment, do you get any additional information that might affect the delivery schedule?

(Probe: change in delivery schedule, etc.)

6. I'd like to spend some time discussing the actual schedule of pickup and delivery of a shipment. Does the shipper always set the schedule? If not, then who sets it?

(Probe: carrier, dispatcher, receiver, consignee, etc.)

7. How do you handle a situation when one of the parties involved (shipper, dispatcher, driver, etc.) feels that a certain schedule is unrealistic? How is the issue resolved?

(Probe: Reschedule, stick with original schedule)

VI. Wrap up

(Pass out participant information sheet).

Are there any other important issues on hours of service that we haven't discussed that you'd like to mention?

Thank you.

Moderator's Guide

Drivers

I. Introduction

A. Purpose of Group

Hello. My name is _____ and I will be leading our discussion today. We'll be here about 2 hours talking about shipper involvement in commercial driver's hours-of-service issues. I'm a research consultant -- I don't work for any one company or organization. I do groups like this all over the country to find out what people think about different products, services, and ideas.

B. Ground Rules

In order to cover everything, we will have to stick to a few guidelines for keeping the discussion on track:

- Please speak one at a time in a voice at least as loud as mine. (Explain use of recording, observers.)
- Research is confidential, only first names are used in discussion and no names are used in the report.
- I want to hear from everyone during our discussion -- although you do not have to answer all the questions. I am also looking for equal "air time" for all.
- There are no right or wrong answers--I am interested in everyone's opinions. I'm looking for different points of view.
- The results of the study are dependent upon the honesty of your responses--so I hope that you will say what you really think or feel.
- There is a lot to cover, so please understand if I interrupt a discussion and move on to a different topic.
- There will be no smoking during the group. (Point out location of rest rooms and discuss any other administrative procedures for the facility.)

3. Now I'd like to concentrate on one of the areas you've mentioned. Let's start by talking a little about what happens when you are given a schedule for a delivery. Who sets the schedule?

(Probe: dispatcher, or somebody higher up)

4. **[ASK ONLY IF NOT MENTIONED EARLIER]** Have you ever been given a schedule that seems unrealistic? How do you handle it? What do you do?

(Probe: Does it become realistic if you violate speed limits or hours-of-service)

5. Have you ever wanted to turn down work because the schedule was unrealistic? Have you ever actually turned down work for this reason?

6. If you know the schedule is unrealistic, do you say anything about it? What do you do?

(Probe: turn down job/complain and to who OMC, union, others. Any formal process?)

7. Would you worry about losing work or maybe your job? Have you ever received threats or penalties? By whom?

(Probe: types of threat, penalties)

8. I'd like to discuss the general pressures surrounding the delivery of a shipment. Do any parties in the industry tend to set particularly unrealistic schedules?

(Probe: types of drivers: owner-operators, independents; brokers; dispatcher; carriers: general freight, refrigeration)

9. Where does the pressure for rapid delivery start? Who feels it first? Then how does it trickle down?

10. In your opinion, where does most of the pressure on driver comes from?

(Probe: dispatchers, shippers, receivers, or just drivers themselves)

(Probe: reasons why)

(Probe: does pressure depend on size of company - large or small carriers)

(Probe: does pressure related to certain kinds of routes - a certain distance, or certain parts of the country?)

VI. Wrap up

(Pass out participant information sheet).

Are there any other important issues on hours of service that we haven't discussed that you'd like to mention?

Thank you.

Moderator's Guide

Shippers

I. Introduction

A. Purpose of Group

Hello. My name is _____ and I will be leading our discussion today. We'll be here about 2 hours talking about shipper involvement in commercial drivers hours-of-service issues. I'm a research consultant -- I don't work for any one company or organization. I do groups like this all over the country to find out what people think about different products, services, and ideas.

B. Ground Rules

In order to cover everything, we will have to stick to a few guidelines for keeping the discussion on track:

- Please speak one at a time in a voice at least as loud as mine. (Explain use of recording, observers.)
- Research is confidential, only first names are used in discussion and no names are used in the report.
- I want to hear from everyone during our discussion -- although you do not have to answer all the questions. I am also looking for equal "air time" for all.
- There are no right or wrong answers--I am interested in everyone's opinions. I'm looking for different points of view.
- The results of the study are dependent upon the honesty of your responses--so I hope that you will say what you really think or feel.
- There is a lot to cover, so please understand if I interrupt a discussion and move on to a different topic.
- There will be no smoking during the group. (Point out location of rest rooms and discuss any other administrative procedures for the facility.)

III. General Discussion

Let's go through all of these and rate each one as whether it is very important, somewhat important, or doesn't matter much.

1. Now I'd like to concentrate on one of the areas you've mentioned. Let's start by talking a little about what happens when your company needs to arrange for goods to be shipped. How many employees are involved in the process? Does the process involve more than one division? Who are the point persons involved? What are their roles? Who sets the schedule?

(Probe: sales division versus transportation division)

(Probe: sales manager versus traffic manager, dispatcher, coordinator)

2. How do you feel about the process you have just described?

(Probe: runs smooth or not: sales promises something that is not in stock, product cannot be delivered on time, etc.)

3. I'd like to talk about specific components of the shipment process. Does your company usually contract a carrier (common or contract), broker, or independent driver?

4. Who in your company is responsible for identifying the carrier/broker/driver to deliver a shipment? Who do they contact (title - sales, etc.) on the other end?

(Probe: traffic manager contacts dispatcher, etc.)

5. Does your company have a contract in place with a specific carrier/broker/driver or does the company put each job out for bid? IF YES: What information is presented in the bid? How does your company determine the winning bid?

(Probe: cost, delivery time, etc.)

6. Has a carrier/broker/driver ever turned down a job or a chance to bid? For what reasons?

(Probe: unrealistic schedule, lack of drivers, equipment, etc.)

(Probe: is there always someone who will take the job? Who?)

7. Once your company has contracted for shipment, do you provide any additional information that might affect the delivery schedule?

(Probe: change in delivery schedule)

- A. Greater enforcement and penalties for these violations (applied to drivers)
- B. Greater enforcement and penalties for these violations (applied to brokers, shippers carriers, who impose unrealistic schedules on drivers)
- C. Increasing the number of rest stops that can accommodate trucks
- D. Paying drivers by the hour or on salary rather than by the mile or load or percentage
- E. Increasing the rate of pay for drivers who are paid by the mile or load or percentage (would this make things better by giving drivers more base pay, or make things worse by giving more incentive to work extra hours?)
- F. Finding a way to guarantee drivers that they do not have to help load or unload freight
- G. Requiring the use of on-board devices to record driving times automatically.
- H. Changing the hours-of-service rules so that drivers get better rest.
- I. Other

VI. Wrap up

(Pass out participant information sheet).

Are there any other important issues on hours of service that we haven't discussed that you'd like to mention?

Thank you.

APPENDIX G
Participant Information Sheets

Participant Information Sheet

Carriers/Brokers

1. __Carrier __Broker

2. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

___a. Driving more than 10 hours a day.

___b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

___c. Working more than 60 hours in a 7-day period.

___d. Working more than 70 hours in an 8-day period.

3. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet a delivery schedule?

4. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet an unrealistic delivery schedule?

What is considered unrealistic?

5. Would you like to make any additional comments regarding this evening's topic?

Participant Information Sheet

Drivers

1. Age____ How many years have you been driving a commercial vehicle? ____
2. If you have to meet a tight schedule, are you more likely to drive faster or drive extra hours?

Faster____ Extra hours ____
3. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

____a. Driving more than 10 hours a day.

____b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

____c. Working more than 60 hours in a 7-day period.

____d. Working more than 70 hours in an 8-day period.
4. Who should be held responsible if a driver is ticketed for an hours-of service violation while trying to meet a delivery schedule?
5. Who should be held responsible if a driver is ticketed for an hours-of-service violation while trying to meet an unrealistic delivery schedule?

What is considered unrealistic?
6. Would you like to make any additional comments regarding this evening's topic?

APPENDIX H

Participant Information Sheet Tallies

TOTAL NUMBER OF PARTICIPANTS: 11

**Participant Information Sheet Tally
Carriers/Brokers
Baltimore and St. Louis**

1. Carrier - 7 Broker - 2 Both - 2

2. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

a. Driving more than 10 hours a day.

4 - 1

3 - 3

2 - 2

1 - 4

b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

4 - 1

3 - 2

2 - 5

1 - 2

c. Working more than 60 hours in a 7-day period.

4 - 6

3 - 1

2 - 0

1 - 1

d. Working more than 70 hours in an 8-day period.

4 - 3

3 - 3

2 - 2

1 - 2

3. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet a delivery schedule?

Driver(3)

Both carrier & driver(3)

Carrier(2)

Shipper and carrier shared

Company/driver/shipper; who ever set the schedule and accepted the schedule

TOTAL NUMBER OF PARTICIPANTS: 10

**Participant Information Sheet Tally
Dispatchers
Baltimore and St. Louis**

1. Employer: Carrier - 10 Broker - 0

2. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

a. Driving more than 10 hours a day.

4 - 2
3 - 0
2 - 2
1 - 5

b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

4 - 2
3 - 4
2 - 2
1 - 1

c. Working more than 60 hours in a 7-day period.

4 - 3
3 - 2
2 - 0
1 - 4

d. Working more than 70 hours in an 8-day period.

4 - 2
3 - 1
2 - 4
1 - 2

3. Who should be held responsible if a driver is ticketed for violating hours-of-service rules while trying to meet a delivery schedule?

Driver, shipper, company

Driver and carrier

Driver(6)

Depends on who initiated the order to violate hours of service

Company, if driver is pushed by management

TOTAL NUMBER OF PARTICIPANTS: 14

**Participant Information Sheet Tally
Carrier-Employed Drivers
Baltimore and St. Louis**

1. Age: 32, 36, 38(3), 40, 42, 43, 44, 45, 46, 51, 54, 68

How many years have you been driving a commercial vehicle?

3, 7, 14, 17, 19, 20, 22, 24, 25(3), 30, 45

2. **If you have to meet a tight schedule, are you more likely to drive faster or drive extra hours?**

Faster - 4

Extra Hours - 6

Both - 1

3. **Which hours-of-service violations would you say occur most often?**

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

a. **Driving more than 10 hours a day.**

4 - 1

3 - 1

2 - 1

1 - 2

b. **Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.**

4 - 1

3 - 1

2 - 3

1 - 1

c. **Working more than 60 hours in a 7-day period.**

4 - 0

3 - 3

2 - 2

1 - 2

d. **Working more than 70 hours in an 8-day period.**

4 - 4

3 - 0

2 - 1

1 - 1

TOTAL NUMBER OF PARTICIPANTS: 12

**Participant Information Sheet Tally
Independent Drivers
Baltimore and St. Louis**

1. Age: 28, 38, 41, 43, 44, 46, 52, 58, 61, 64, 69(2)
How many years have you been driving a commercial vehicle? 10, 14, 16, 20, 22, 25,
26, 38, 42, 46, 50(2)

2. If you have to meet a tight schedule, are you more likely to drive faster or drive extra hours?

Faster - 2

Extra hours - 2

Both - 1

3. Which hours-of service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

a. Driving more than 10 hours a day.

4 - 3

3 - 3

2 - 0

1 - 2

n/a - 1

b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

4 - 0

3 - 2

2 - 4

1 - 2

n/a - 1

c. Working more than 60 hours in a 7-day period.

4 - 2

3 - 2

2 - 1

1 - 1

n/a - 2

d. Working more than 70 hours in an 8-day period.

4 - 3

3 - 2

2 - 2

1 - 1

n/a - 1

TOTAL NUMBER OF PARTICIPANTS: 10

**Participant Information Sheet Tally
Shippers
Baltimore and St. Louis**

1. Commodity shipped:

medicines
computers, liquors
water treatment chemicals
titanium dioxide & titanium dioxide slurry
fabricated steel structures(2)
loudspeakers
steel(3)
hazardous materials
fabric
plastic parts

2. Which hours-of-service violations would you say occur most often?

Please rank from 1 to 4, with 1 being the most frequent and 4 being the least frequent.

a. Driving more than 10 hours a day.

4 - 2
3 - 1
2 - 2
1 - 4

b. Not having an 8-hour off-duty period so a driver can be on duty up to 15 hours.

4 - 1
3 - 1
2 - 4
1 - 3

c. Working more than 60 hours in a 7-day period.

4 - 1
3 - 5
2 - 2
1 - 1

breaking of rules is unrealistic.

5. Would you like to make any additional comments regarding this evening's topic?

One way to monitor driver's log could be with a central computer log that drivers can download into. The trucking company should be ultimately responsible.

Very interesting discussion!! All of us are legitimate, knowledgeable professionals in the field of transportation, however, the general business person is not overly familiar with or realistic with regulations of the road.

More enforcement needs to be directed towards making a shipper responsible for the manner in which a shipment is offered. Time constraints need to be taken into account.

It was a good discussion period. Unfortunately we didn't have any of those shippers that deal directly with independent truckers.

Pressures to violate are bilateral. Larger, more formalized organizations tend to avoid unrealistic requirements due to liability exposure.

In our situation, the hours lies on our ability to educate our buyers/salespeople on realistic transit times and their associated costs.

Perhaps give responses from other groups that were interviewed in order to understand the whole picture.

I feel most drivers try to operate within the hours-of-service rules.

The ultimate responsibility of HOS is the driver. Even though pressure can be levied by employers on drivers, the final decision can only be made by drivers.

There is a tendency, especially among owner-operators, for drivers to feel that "they are their own boss". In our system, if a driver feels great pressure, it is usually because he took it on himself.

